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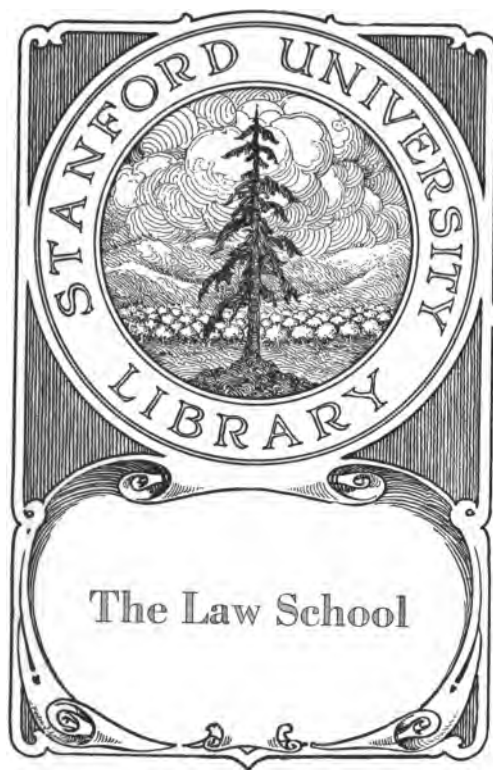
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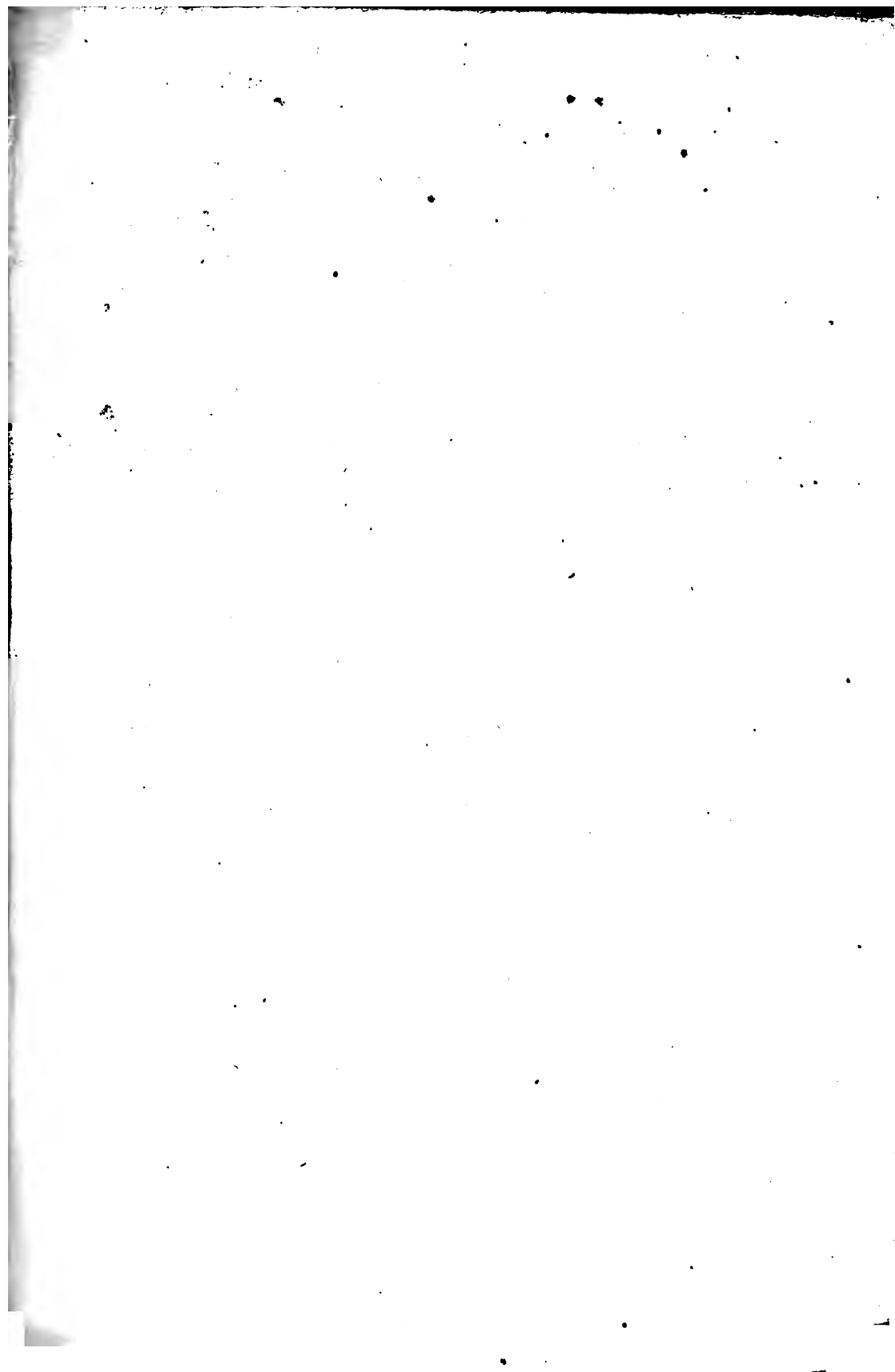
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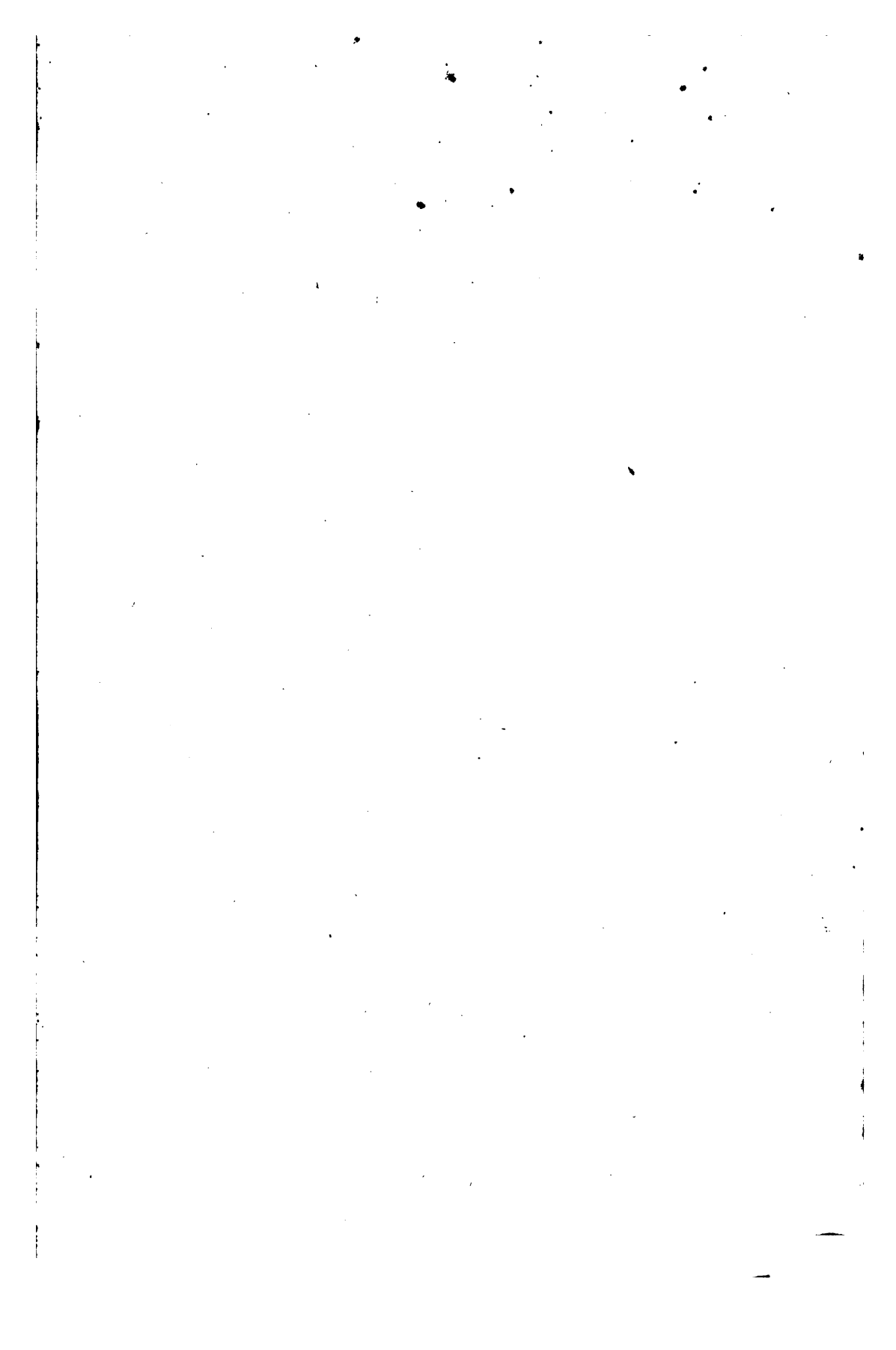
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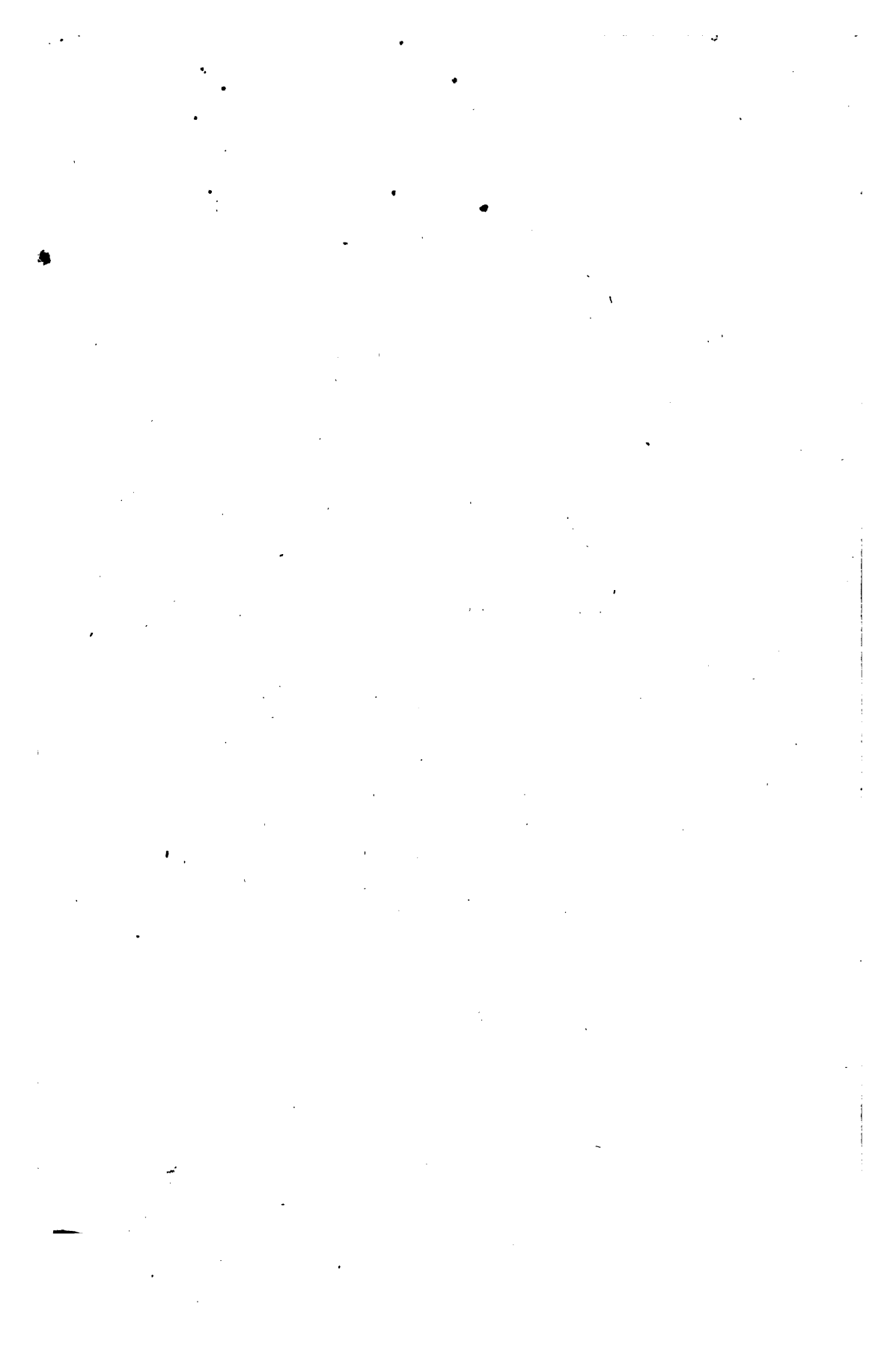


Kentucky Collection









ACTS

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1841.

PUBLISHED BY AUTHORITY.

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LAWS OF KENTUCKY.

Passed at December Session, 1841.

ROBERT F. LETCHER, GOVERNOR; MANLIUS V. THOMSON, LIEUT.
GOVERNOR AND SPEAKER OF THE SENATE; C. S. MOREHEAD,
SPEAKER OF THE HOUSE OF REPRESENTATIVES; JAMES HARLAN,
SECRETARY OF STATE.

GENERAL LAWS.

CHAPTER 1.

AN ACT to extend the charter of the Bank of the Commonwealth of Kentucky.

1841.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act to establish the Bank of the Commonwealth of Kentucky," approved November 29th, 1820, shall be, and the same is hereby, extended and continued in force until the first day of January, 1844.

C. S. MOREHEAD,
Speaker of the House of Representatives.
MANLIUS V. THOMSON,
Speaker of the Senate.

Approved December 31st, 1841,

R. P. LETCHER.

By the Governor,

JAMES HARLAN,

Secretary of State.

CHAPTER 7.

AN ACT to regulate the terms of the Jefferson Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act there shall be five terms of the Jefferson Circuit Court, to commence on the first Mondays of January, March, May, September, and November, in each year, and to continue six weeks each.

Jefferson circuit court—number of terms—when to commence.

SEC. 2. That the process upon Petition and Summons be made returnable to the first Monday in each month, and that the Petition Docket be set for the first Monday and two succeeding days in each month; that Friday of each week, be set apart for the hearing of Motions and for the trial of the Chancery Causes now pending in, or which may hereafter be removed into, said court; and said court shall have power to

Process on petition and summons, when returnable,—docket, when to be set. Time for hearing motions.

LAWS OF KENTUCKY.

1842.

Rule as to taking testimony.

Pleas of the commonwealth

Duty of the clerk.

make such regulations in regard to taking of testimony in, and the preparation and trial of Chancery Causes, as shall be deemed proper and necessary, as fully as the Louisville Chancery Court may do.

Sec. 3. That the sixth week of each term shall be appropriated to the trial of Pleas of the Commonwealth; but necessary and urgent business may be done at any time.

Sec. 4. That it shall be the duty of the Clerk of the Jefferson Circuit Court, under the penalty of twenty dollars, within four days after the expiration of a term, to have the docket made out, and the causes set for the next succeeding term.

Approved, January 14, 1842.

CHAPTER 14.

AN ACT to authorize the Hopkins County Court to lay the levy for said county at the May term thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the year one thousand eight hundred and forty two, and in each and every year thereafter, it shall be lawful for the County Court of Hopkins County to lay the levy for said county in the month of May, and to cause the Sheriff, or Collector of the county levy, to return his delinquent list to the May term of said County Court, instead of the October or November term as now required by law.

Approved, January 18, 1842.

CHAPTER 15.

AN ACT to amend the Revenue laws.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of August next, it shall not be lawful for any Justice of the Peace, within this Commonwealth, to be appointed or to act as Commissioner of Tax.*

SEC. 2. *Be it further enacted, That after the first day of August next no Constable shall act as Commissioner of Tax.*

Approved, January 18, 1842.

CHAPTER 26.

AN ACT to amend the several laws to suppress the practice of Duelling.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in administering the oath directed by the several acts of the General Assembly more effectually to suppress the practice of Duelling, the oath shall be from the first day of January, eighteen hundred and forty two.*

SEC. 2. That hereafter, no oath on the subject of Duelling shall be required of any member elect to the General Assembly.

1842.

Approved, January 18, 1842.

CHAPTER 29.

AN ACT to amend the act, entitled, an act to establish a State Road from Napoleon, in Gallatin County, to intersect the Covington and Georgetown Turnpike Road, at or near Monticello School House, in Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Skirvin and Hezekiah Thomas, of Grant County, be, and they are hereby, appointed Commissioners to act in conjunction with the Commissioners named in the above recited act, who, or any three of whom, may proceed to view and mark out the nearest and best way for said road, from Napoleon, in Gallatin County, by Rankin Blackburn's, to intersect said Turnpike Road, at or near said School House, in Grant County.

Approved, January 18, 1842.

CHAPTER 30.

AN ACT to authorize the County Court of Henderson County to discontinue a street in the town of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Henderson county shall be, and they are hereby, authorized (a majority of all the Justices of said court concurring,) to discontinue the fourth parallel street in the town of Henderson, from the fourth cross street below the public square to the last cross street at the lower end of said town, as originally laid off as a public highway, if, in the opinion of said court, it will be of no detriment to the citizens of said town, or the public at large: *Provided, however,* said court may, at any time, order said street to be re-opened, if, in their opinion, it shall become necessary.

Approved, January 18, 1842.

CHAPTER 36.

AN ACT authorizing the County Courts of Wayne, Russell and Hickman, to appoint Overseers of the Poor, without building Poor Houses.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for the County Court of Wayne, a majority of all the Justices of said Court, in commission, being present and concurring therein, to appoint an Overseer or Overseers of the Poor of said coun-

1842.

ty, without providing a Poor House, as required by the existing laws, whose duty it shall be to provide for, and take care of, the poor, in such manner, and observe such rules and regulations in relation to them, as said Court shall direct; and shall, also, execute a bond, payable to the Justices of said Court, with good security, to be approved of by said Court, in such penalty as may be directed by said Court, and with such conditions therein, as may be required by said Court.

SEC. 2. *Be it further enacted*, That said Court shall make such allowances to said Overseer or Overseers, for his or their services, as said Court shall deem reasonable, to be levied at the Court of claims, and payable out of the levy of the succeeding year.

SEC. 3. *Be it further enacted*, That the provisions of the foregoing sections of this act shall, in all respects, apply to, and have full force and effect in the counties of Russell and Hickman.

Approved, January 18, 1842.

CHAPTER 43.

AN ACT to establish a road from some convenient point on the Green river Turnpike Road, to the Edmonson county line, in a direction to the Mammoth Cave.

Comm'rs appointed.

Duties of the Comm'rs.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John B. Cobb, John Highbaugh, Robert S. Munford, John H. Brooks, and Jeremiah D. Harbor, be, and they are hereby, appointed Commissioners to view and mark the best and most practicable route for a State Road, from some convenient point on the Green river Turnpike Road, at or in the neighborhood of John B. Cobb, in Hart county, to the county line, in a direction to the Mammoth Cave, in Edmonson county, passing through Munfordville; who, or a majority of them, shall meet at Munfordville, on the first Monday in May next, or so soon thereafter as convenient, and proceed to view and plainly mark the route for the said road, giving notice to those over whose land the said [road] is located, (provided they be known to the said Commissioners;) and, if desired by the said owner or owners, they shall estimate the damages he, she or they shall sustain, by the establishment of the said road; and they shall report, in writing, to the County Court of Hart county, stating, also, the number of days they have been engaged in discharging the duties required of them by this act.

Damages how assessed.

SEC. 2. That if any proprietor of land, over which said road is located, shall fail to require an assessment of damages by the said Commissioners, and shall apply to the said County Court, the said Court shall make an order for the assessment of damages by a jury, who shall, in all respects, be governed by the law regulating proceedings of the same kind, under writs of *ad quod damnum*.

SEC. 3. That if the County Court of said county of Hart, or any person interested in the establishment of the said road, shall agree to pay the damages which may be assessed, as aforesaid, then, and in that event, the County Court aforesaid, shall proceed to lay off said road in convenient sections, or precincts, appoint surveyors, open and keep the said road in repair, according to the provisions and requirements of the general laws of this Commonwealth in relation to roads.

1842.

Damages when paid, road shall be opened.

SEC. 4. That the Surveyors appointed under this act, shall, in all respects, be governed and controlled by the law which is now, or may hereafter be, in force, in regard to working on roads in this Commonwealth.

Surveyors to be appointed, and their duty.

SEC. 5. That the said Commissioners, before they proceed to the duties assigned them by the provisions of this act, shall take an oath before some Justice of the Peace, to discharge the duties required of them by this act, faithfully and impartially; and they shall be entitled to one dollar per day, while engaged in the duties aforesaid.

Commissioners to take an oath.

SEC. 6. That should a majority of the Commissioners aforesaid, fail or refuse to discharge the duties assigned them by the provisions of this act, then, and in that event, the said County Court may appoint other Commissioners, by whom the same duties shall be performed, and when performed, shall be as binding and valid, as if the same had been done by the Commissioners herein appointed.

Vacancies how filled.

SEC. 7. *Be it further enacted*, That the expense of the Commissioners in reviewing the said road, shall be paid for by the counties through which said road passes.

Expenses of Comm'rs how paid.

Approved, January 18, 1842.

CHAPTER 46.

AN ACT to establish a road from the mouth of Laurel, through London, to Bates' Salt Well, in Clay county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Storm, Abraham Chesnutt, and David Weaver, of the county of Laurel, and Colvin Campbell and Charles Rockhold, of the county of Whitley, and Hugh White, Sr. and John Hibbard, of the county of Clay, be, and they are hereby, appointed Commissioners, whose duty it shall be, or a majority of them, after having been duly qualified before some Justice of the Peace, to view and mark out the most practicable way for a road from the mouth of Laurel river, passing through the town of London, thence to Daniel Bates' Salt Furnace, on Collins's fork of Goose Creek, in the county of Clay; and said Commissioners shall make a full and correct return of all their proceedings to their respective County Courts, in said counties, through which the proposed road is to pass, at their next May or June

Comm'rs.

To be qualified.

When to make return.

1842.

Comm'rs to
be paid, and
how.

Overseers to
be appointed,
and hands al-
lotted.

Writs of *ad*
quod damnum
to be obtained.

Land War-
rants hereto-
fore given to be
appropriated.

Duty of the
County Court
in relation to
said warrants.

Vacancies,
how filled.

term of said Court, if practicable, or as soon thereafter as may be convenient.

SEC. 2. That each Commissioner be allowed the sum of one dollar and fifty cents per day, for each day engaged, pursuant to the requirements of this act, to be allowed them by their respective County Courts, at their next Court for laying the levy; and if said road shall be opened, it shall be the duty of said County Courts to appoint an Overseer or Overseers on said road, and shall allot a sufficient number of hands to open said road, at least 20 feet in width, and the same to be kept in repair as under the general law.

SEC. 3. That any person, through whose land said road shall pass, shall, and may have the right, to obtain from the several County Courts aforesaid, in which said lands may lie, a writ of *ad quod damnum*, and the damages assessed by the jury, under such writ, shall be levied for by said County Courts, a notice being served on the party claiming the land through which said road may pass.

SEC. 4. That the law passed in the year 1832, appropriating \$300 worth of land warrants, to be laid out and expended, under the care and management of Jarvis Jackson, for the improvement of a road from the mouth of Laurel river to London, is hereby repealed to all intents and purposes.

SEC. 5. That the County Court of Laurel shall make an order, requesting and compelling Jarvis Jackson to pay over to said Court, all moneys arising from the sale of land warrants so appropriated; if any of the warrants not sold or disposed of, return the same to the Court aforesaid; if any sold, to whom, how payable, and when; all of which shall be placed in the hands of said County Court; which fund shall be expended in the improvement of said road within the limits of Laurel county, and subject to the control and management of the County Court of Laurel.

SEC. 6. That if any or either of said Commissioners shall refuse to accept, die, or remove, the said several County Courts, as named in the foregoing act, shall be vested with full power to fill such vacancy or vacancies as may happen in their respective counties.

Approved, January 18, 1842.

CHAPTER 52.

AN ACT to amend the law concerning injuries to Real Estate.

Actions of
trespass *vi et*
armis, who
may maintain
them, how re-
vived.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an action of trespass *vi et armis*, or of trespass on the case, as the facts may require, may be maintained by the Executors or Administrators of deceased persons for an injury done to the Real Estate of such persons in their lifetime; and if such action shall have been

brought by a deceased person, the same may be revived by his Executors or Administrators; and the damages recovered, in either instance, shall be deemed part of the assets of the decedent, as in other cases.

1842.

SEC. 2. *Be it further enacted*, That an action of trespass *vi et armis*, or of trespass on the case, as the facts may require, may be brought or revived against the Executor or Administrator of a deceased person, for any damage wrongfully committed by him or her, to the Real Estate of another, and the same action may be brought against said Executor or Administrator, and the heirs or devisees of such deceased person, or the heirs and devisees of such deceased person conjointly: and where there shall be no probate of a will, or any Administrator upon the estate of a deceased person, for one year after his or her decease, the action aforesaid may be brought, or revived, as the case may be, against the heirs of said decedent alone; and devisees shall contribute to heirs, and heirs shall contribute to devisees, in respect of damages to be recovered under this act, so that equity be done between them: *Provided*, that this act shall not extend to any case that has now occurred.

Actions of trespass, &c., who they may be brought against.

Proviso.

Approved, January 20, 1842.

CHAPTER 53.

AN ACT to extend the terms of the Nicholas Circuit Court, and change the May and November terms of the Estill Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, the May and November terms of the Estill Circuit Court shall commence on the second Monday of the month, and all the terms of said Court shall continue twelve juridical days, if the business thereof shall require it.

SEC. 2. *Be it further enacted*, That the terms of the Nicholas Circuit Court, shall continue twelve juridical days, if the business thereof shall require it; and where there may happen to be five Mondays in any month in which said Court is required to be held, then, in such event, the term of said Court may be extended to eighteen days, should the business thereof require it.

Approved, January 20, 1842.

CHAPTER 59.

AN ACT authorizing a special Chancery term in the County of Campbell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the second Judicial District, be, and he is hereby, authorized to hold a special

1842. term, for the trial of Chancery Causes pending in the Campbell Circuit Court, on Monday the 31st day of January, 1842, at his chambers, in the town of Newport, which term shall continue no longer than two weeks; and all process issued, and to be issued, in all Chancery Causes therein pending, since the last term of said Court, shall be, and is hereby, made returnable to said special term to be held at Newport, in the same manner as if it had been expressed in said process.

SEC. 2. *Be it further enacted*, That the Clerk of said Court is hereby authorized and directed to remove the papers belonging to said Chancery Causes to said town of Newport, and as soon as convenient after the termination of said special term to remove them back to the Clerk's office in the town of Alexandria: *Provided, however*, that no expense which may be incurred in the transportation of the papers, or otherwise, shall be paid by the County or State.

Approved, January 21, 1842.

CHAPTER 60.

AN ACT to provide for the appointment of Commonwealth's Attorneys.

Attorneys to be appointed, term of office and pay.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall, by and with the advice and consent of the Senate, be appointed by the Governor, an Attorney for the Commonwealth, in and for each Judicial District, and to be commissioned during good behaviour, and the continuance of his office, and who shall attend the Circuit Courts in his District, and prosecute all pleas of the Commonwealth, and receive an annual salary of three hundred dollars, payable quarterly out of the Public Treasury.

Attorney pro tem. may be appointed, and how paid.

SEC. 2. That in case any Commonwealth's Attorney shall fail to attend at and during the term of any Circuit Court within his District, it shall be the duty of the Court to appoint an Attorney, *pro tempore*, to prosecute for the Commonwealth during the absence of such Commonwealth's Attorney; and said Court shall certify the amount allowed to said Attorney, *pro tempore*, to be deducted from the salary of such Commonwealth's Attorney; and the Attorney, *pro tempore*, may produce to the Auditor, at any time before the salary of said Commonwealth's Attorney may become due, a certificate of said allowance, and the Auditor shall issue to him a warrant upon the Treasury for said amount, to be deducted from the salary of the Commonwealth's Attorney as aforesaid, which deduction the Auditor shall note, and when application is made for the salary of said Commonwealth's Attorney, the Auditor shall issue a warrant for the amount remaining due, after deducting the allowance so certified by said Court.

This act shall continue in force for two years from and after the passage thereof.

Approved, January 21, 1842.

LAWS OF KENTUCKY.

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CHAPTER 63.

1842.

AN ACT declaring the office of Constable and County Surveyor incompatible, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the office of Constable and County Surveyor, and deputy Sheriff and County Surveyor, be, and the same are hereby, declared incompatible, and that no person holding the one office shall exercise the duties properly belonging to the other.

Approved January 21, 1842.

CHAPTER 64.

AN ACT to regulate the terms of the Bath Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the Circuit Court of Bath County shall commence on the third Mondays in March, June, and September, and continue twelve juridical days if the business of said Court shall require it.

Approved, January 21, 1842.

CHAPTER 68.

AN ACT to change, in part, the State road in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act it shall be lawful for the County Court of Carroll county to appoint four disinterested Commissioners, any three of whom may act, not living in the neighborhood of said road, whose duty it shall be, after being first duly sworn or qualified before some Justice of the Peace of Carroll county, to review and mark out such alterations as they may think would be advantageous to the public, and no disadvantage to any individual; and make a return thereof, as the law directs in such cases.

Approved, January 21, 1842.

CHAPTER 72.

AN ACT to amend the charter of the Louisville and Portland Canal Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act incorporating the Louisville and Portland Canal Company shall be, and the same is hereby, so amended, that whenever the stockholders in said Company shall so direct, the Board of President and Directors of said Company shall have the privilege of selling the

President and
Directors may
sell the stock.

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shares of stock owned by individuals in said canal, to the United States, or the State of Kentucky, or the city of Louisville, for the purpose of eventually making the said canal free of tolls; or, further, to effect this object, the Board of President and Directors, when so authorized as aforesaid, shall hereby have the privilege of appropriating the net income arising from said canal to the purchase of said stock, instead of making dividends therewith.

Net income
to be applied to
the purchase of
stock.

SEC. 2. *Be it further enacted*, That whenever said stockholders shall authorize said Board of President and Directors to appropriate the annual net income of said Company to the purchase of the shares held by individuals in the same, it shall be the duty of said Board to advise each stockholder of the amount to be appropriated to the purchase of shares, and propose to purchase the number of shares that the sum on hand will warrant, at the lowest bid or offers: thirty days notice shall be given for such offers of stock to be made.

Manner in
which shares
shall be pur-
chased.

SEC. 3. *Be it further enacted*, That the maximum price at which the said Board shall purchase said shares, for the first year, shall not exceed the sum of one hundred and fifty dollars per share; and when the offers of said shares are made, it shall be the duty of said Board to accept the lowest offers for the number of shares which the net income of the preceding year will allow them to purchase; and no dividends will be paid on the remaining shares of said Company after the ratification of this amended act; the maximum price paid for the shares purchased the first year, and six per centum per annum, annually, added thereto, shall be the highest price which shall be paid for the shares in each subsequent year.

When all the
stock is pur-
chased, to be
transferred to
United States
on certain con-
ditions.

SEC. 4. *Be it further enacted*, That the shares so purchased by said Board shall be held in trust by it, for the purposes herein declared, and shall be voted on by them at all subsequent meetings and elections, until, by the operation of the provisions of this act, all the shares standing in the name of others than the Government of the United States, shall have been purchased up: and when the said shares shall be all purchased, the same shall be transferred to the Government of the United States, on condition of said Government levying tolls for the use of said canal, only sufficient to keep the same in repair, and pay all necessary superintendence, custody and expenses, and make all necessary improvements, so as fully to answer the purposes of its establishment: and, further, to protect and guard the interests of commerce, the superintendents or agents in charge of said canal shall ever hereafter, on the first Monday in January, annually, report to the General Assembly of Kentucky, the amount of tolls levied and received, and of the charges and expenses incurred on the same—the General Assembly reserving the right of directing the amount annually to be collected, if found too much for the purposes contemplated by this amended act.

SEC. 5. *Be it further enacted,* That it shall be the duty of said Board of President and Directors to report to this General Assembly, on the first Monday in January of each year, the condition of the canal, and state the number of shares purchased, and the amount paid for the same: *Provided,* that nothing contained in this act shall give said Company the right to increase the toll allowed by the original charter.

Approved, January 21, 1842.

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To report to the General Assembly.

CHAPTER 80.

AN ACT to change the terms of the Jefferson Circuit Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to change the terms of the Jefferson Circuit Court, approved the 14th day of January, 1842, be, and the same is hereby, repealed, so far as it is inconsistent with this act. That hereafter there shall be five terms of the Jefferson Circuit Court, to commence on the first Monday in January, March, May, September, and November, in each year, and each to continue six weeks, the first four weeks of each term for the trial of civil causes, and the two last for the trial of Pleas of the Commonwealth; but urgent business may be done at any time. The Court may set aside Friday of each week of said terms for the hearing of motions and of chancery causes, and may take preparatory steps on any day of any of said terms, in chancery causes, and direct that no jury causes shall be set for any day of said terms; that the process on petition and summons and other suits, shall be returnable to the first day of said terms; and the petitions and summons cases shall be set for trial on the first Monday, Tuesday and Wednesday of said terms; and the traverses or forcible entry and detainer cases and attachment suits, for the first Thursday of each term. That it shall be the duty of the Clerk of the Jefferson Circuit Court, within four days next after the termination of any term of said Court, to make out the docket for the succeeding term, under a penalty of twenty dollars for each day he shall neglect or fail to have said docket made out, after the expiration of the four days. He shall, within the same time after the close of each term, and under the same penalty for the like delay, make out a docket for the chancery causes pending in said Court; and said Court shall have power and authority to hear and decide chancery causes at any time during any of said terms, and to appoint special terms for the trial of chancery causes; and said Court shall have the same power to make rules and regulations in the taking of testimony in, and the preparation and trial of, chancery causes which the Louisville Chancery Court now has.

Act to change terms of said Court repealed.

Number of terms.

When to commence.

How long to continue.

Com'ths pleas, when tried.

Motions, when heard & chancery causes.

Process, when returnable.

Petition and summons, when set for trial.

Traverses &c. when set for trial.

Duty of the Clerk.

Penalty for failure.

Chanc'y docket, when to be made out.

When chancery causes may be heard.

Special terms may be appointed.

Rules and regulations as to testimony.

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Spencer county added to the fifth Judicial district.

Terms, when to commence and how long to continue.

SEC. 2. That the county of Spencer is hereby added to the fifth Judicial district, and hereafter the terms of the Spencer Circuit Court shall commence on the third Mondays in April, July and October, in each year, and shall continue two weeks at each term, if the business shall require it; and the processes and recognizances to the first term of the Spencer Circuit Court shall be returnable to the April term, instead of the May term of said Court.

Approved, January 22, 1842.

CHAPTER 82.

AN ACT for the recording of Commissioners' Deeds in the County Court Clerks offices.

Comm'r's deed to be recorded in the County Court office.

How proven.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, deeds made by Commissioners, in virtue of decrees or orders of the Circuit Courts, shall not be recorded in the Clerks offices thereof; but such deeds shall be recorded in the Clerks offices of the County Courts, in like manner, as other deeds, upon certificates of the Clerks of the Circuit Courts, showing the acknowledgment thereof by the grantor, or proof of their execution by the oaths of two subscribing witnesses, in open Court, which certificates shall also be recorded in said County Court Clerks offices.

County Court Clerks, how to alphabet conveyances.

SEC. 2. *Be it further enacted,* That the Clerks of the several County Courts of this Commonwealth shall alphabet all conveyances hereafter recorded in their respective offices, by making entries in the name of each of the grantors, transposing the same so that each name may first appear in said entries.

Approved, January 22, 1842.

CHAPTER 92.

AN ACT to amend an act, entitled, an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several County Courts of this Commonwealth, before granting certificates of freedom to any slave or slaves, emancipated according to the existing laws of this Commonwealth, shall demand bond and sufficient security, to provide that said slave or slaves shall not become chargeable to any county in this Commonwealth.

Approved, January 25, 1842.

CHAPTER 93.

AN ACT to amend an act, entitled, an act authorizing the several County Courts of this Commonwealth to permit gates to be erected on certain roads.

1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all persons who may hereafter apply to any County Court of this Commonwealth for leave to erect a gate across any road in any of said counties, shall give notice of the same at least thirty days previous to such application, at the court house, in the county where such application is made, and at three other public places in the neighborhood of the road where said gates are proposed to be erected.

SEC. 2. *Be it further enacted,* That all persons that may hereafter apply to the General Assembly of this Commonwealth for leave to erect a gate across any road in any county in this Commonwealth, shall, previous to such application, give notice of the same as above directed.

Approved, January 25, 1842.

CHAPTER 96.

AN ACT declaring copies of foreign wills, recorded in the County Courts of this State, evidence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where any last will and testament, containing a devise of land or any other estate in this Commonwealth, shall have been, or may hereafter be, proved and admitted to record by the proper Court of any of the United States, or a foreign country, where the testator last resided, that it shall and may be lawful for any person or persons interested in the lands or other property devised in such will, to cause the same, or a copy thereof, to be recorded in the Clerk's office of the County Court of the County in which said lands, or any other property, or any part thereof, may be, in this State: *Provided,* that such will, or a copy thereof, shall be certified by the Clerk, if there be one, if not, by the Judge of the Court of Probate, under the seal of the said Court: any will, or copy thereof, so proved and recorded, or which may heretofore have been so proved and recorded, shall be evidence in all Courts in this Commonwealth, and have the same effect as if it had been proved and recorded in the Clerk's office of the Court of Appeals, as prescribed by an act to amend the act to reduce into one the several acts concerning wills, &c., and to repeal in part and amend the act, entitled "an act to amend the several acts regulating conveyances," approved December 13, 1820.

Approved, January 25, 1842.

CHAPTER 97.

1842

AN ACT to establish the County of Crittenden, and for other purposes.

Boundary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of April, in the year eighteen hundred and forty-two, all that part of the county of Livingston within the following bounds, to-wit: beginning on the Ohio river at the mouth of Deer creek, thence on a straight line to Presley Gray's large spring, thence a direct line to Pucket's big spring, thence down the branch of said spring to Claylick creek, thence down said creek to Cumberland river, thence up Cumberland river to the mouth of Livingston creek, thence with the Caldwell county line to Tradewater river, thence down Tradewater river to its mouth, and thence down the Ohio river to the beginning, including all the islands in said river Ohio opposite to said boundary, shall be, and the same is hereby, made and erected into a county to be known and called by the name of Crittenden.

Com'rs to locate the seat of justice.

SEC. 2. That Thomas J. Flournoy of Caldwell county, Frederick D. Word of Hopkins county, Robert N. Lewis of Hickman county, Robert T. Leiper of Caldwell county, and James Gholson of Christian county, shall be, and are hereby, appointed Commissioners; who, or a majority of whom, shall meet at the dwelling house of James Cruce, Esq., on the first Monday of April next, or as soon thereafter as they shall agree upon, and after being first duly sworn before some Justice of the Peace, faithfully and impartially to locate the seat of Justice for said county at some suitable place, not to exceed two and one-half miles from the territorial centre of said county.

Courts to be held.

SEC. 3. That the County and Circuit Courts for said county shall be had and holden at the house of Samuel Ashley, until suitable public buildings are erected at the seat of justice for said county.

Number of justices, & they to appoint cl'k.

SEC. 4. That the county of Crittenden shall be entitled to ten Justices of the Peace, who, after being commissioned, shall convene on the first Monday in April next, and having themselves first taken the oaths of office according to law, and qualifying the Sheriff to be appointed for said county, they shall appoint a Clerk for the County Court of said county.

Shall appoint com'rs of tax and lay county levy.

SEC. 5. That the county of Crittenden shall appoint Commissioners of Tax for the year one thousand eight hundred and forty two, who shall, in relation to all their duties, be governed by the laws of this State now in force; and said Court shall have authority to fix their county levy at such sum as they shall deem necessary to enable them to erect public buildings, provided the same shall not exceed one dollar and fifty cents upon each tythe.

SEC. 6. That all legal proceedings instituted before the tribunals of Livingston county, shall be prosecuted to final judgment and execution as though this act had not passed.

SEC. 7. That from and after the first day of September next the seat of justice of Livingston county shall be at the town of Smithland in said county, and that the several Courts of said county shall be held at Salem, the present seat of justice for said county, until the first day of September next; after which time the several Courts for said county shall be held in the town of Smithland, in said county.

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Seat of justice of Livingston shall be at Smithland.

SEC. 8. That the Clerks of the County and Circuit Courts of Livingston county shall remove, or cause to be removed, all records, books, furniture and papers appertaining or in any wise belonging to their respective offices, from Salem, the present seat of justice, to the town of Smithland, in said county, on or before the first day of September next, and have the same deposited in such office or offices as may be prepared by the County Court of said county.

Clerks to remove the papers, and when.

SEC. 9. That the County Court of said county of Livingston shall, at the next April term of said Court, proceed to fix the county levy at such sum as they may deem necessary for the immediate erection of the necessary public buildings in said town of Smithland, provided they shall not exceed the sum of one dollar and fifty cents on each tythe.

County court of Livingston to lay county levy.

SEC. 10. That the Commissioners appointed by this act to select a site for the seat of justice for said county of Crittenden shall be, and they are hereby, authorized to receive donations in land on which to locate the seat of justice, and when fixed on, to cause a deed to be executed therefor to the County Court of said county, and also donations for the purpose of defraying the expenses of public grounds and buildings. The County Court of said county shall proceed, immediately after said Commissioners shall have selected a site for the seat of justice for said county of Crittenden, to lay off a town, designating in a proper manner the metes and bounds of the same.

Com'rs may receive donations of land, &c., to erect public buildings.

County court to lay off a town.

SEC. 11. That the said county of Crittenden shall be entitled to all the immunities and privileges that are now enjoyed by other counties of this Commonwealth, under such general laws as provide for the appointment of officers, and the municipal regulations of the same.

Approved, January 26, 1842.

CHAPTER 106.

AN ACT for the benefit of the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike road Company.

WHEREAS, it is represented to the present General Assembly, [by said Company,] that there is about nine miles and one-half of said road yet to be completed, and that they have exhausted all the subscriptions for stock that are available, already on said road, and that they are unable to make any further provisions for the completion of the same—wherefore,

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President &c.
may lease out
the road.

Upon what
terms.

Co. may im-
pose additional
obligations &c.

Contract to
be submitted to
and receive the
approval of the
Board of Int.
Imp. or other
superintendent.

When con-
tractor may set
up gate or gates

Tolls to be
collected.

May use the
corporate name
of company.

President &c.
to call meeting
of stockholders.

Majority may
elect to receive
the benefit of
this act.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the President, Managers and Company of the Lexington, Harrodsburg and Perryville Turnpike road Company to lease out said road for a term of years, to any person or persons who, upon their part, shall agree and contract with said Company, that for and in consideration of the tolls to be derived from said road, during the term for which it may be leased, that he or they will complete and finish the balance of said road yet to be completed and finished, at the rate of at least one mile for each consecutive year after the making of said contract until the whole is completed, or faster if the Contractor or Contractors may think proper so to do; and that he or they shall also agree and contract with said Company to keep said road in good repair, and always open for travel and transportation thereon during the term of the lease, and shall deliver the same, with all its fixtures, in good repair to said Company at the expiration of the term; and with a view more effectually to secure the objects of this act, said Company may impose any other obligations on said Contractors in said contract that they may deem right and proper: *Provided, nevertheless*, that said Contractor or Contractors shall be bound in said contract to said Company in a suitable penalty, to be fixed by them for the performance, on their part, of said contract, and shall give good and sufficient security for the same, to be approved of by said Company.

SEC. 2. That before said contract shall be considered as complete and binding between the parties, the same shall be submitted to, and receive the approval of, the Board of Internal Improvement, or of such other person or persons as shall be acting under the authority of the State as Superintendent of Public Works at the time said contract is entered into.

SEC. 3. That said Contractor or Contractors shall have the right of setting up any additional gate or gates on said road, so soon as they shall have completed additional road sufficient to authorize the same, agreeably to the charter of the Company, and shall collect such tolls thereon as is authorized by said charter; and shall also have the right to use the corporate name of the Company for the purpose of instituting suits to enforce all the rights and privileges conferred on said Company by said charter, for the term of said lease, provided that nothing herein contained shall confer on said Contractor or Contractors greater rights and privileges than the said Company is entitled to under the original charter.

SEC. 4. *Be it further enacted*, That before the Company shall avail itself of the provisions of this act, the President and Managers thereof shall call a meeting of the stockholders thereof, upon due notice, and if a majority of all the stockholders of said Company shall elect to receive the benefit of the provisions of this act, at said meeting, that election shall be entered of record on the books of the Company, and the

same shall be considered as an adoption of the provisions of said act, and the Company may forthwith proceed to act under the same.

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Approved, January 31, 1842.

CHAPTER 114.

AN ACT to extend the June term of the Union Circuit Court, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the June term of the Union Circuit Court shall continue twelve juridical days, if the business of the Court shall require it; and the June term of the Henderson Circuit Court shall hereafter commence on the fourth Monday in June, and continue six juridical days, if the business of the Court shall require it.

Union.

Henderson

Approved, February 1, 1841.

CHAPTER 115.

AN ACT for the benefit of the Officers and Guards of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to take the depositions of the Keeper, Assistant Keepers, Clerk, and each Guard of the Penitentiary; the said depositions shall be used and read as evidence in any suit at common law now pending, or which may hereafter be commenced, or before any Justice of the Peace of this Commonwealth, or in misdemeanors: *Provided*, that reasonable notice shall be given to the plaintiff or plaintiffs, or defendant or defendants, as the case may be, of the time and place of taking such depositions.

Approved, February 1, 1842.

CHAPTER 120.

AN ACT for the benefit of the County Court of Wayne.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the County Court of Wayne, a majority of all the Justices thereof being present, at their next January, February or March terms, to lay their county levy, and adjust and liquidate the claims against said county for the year eighteen hundred and forty-one.

Approved, February 1, 1842.

CHAPTER 130.

1842

AN ACT to amend the several laws appropriating the vacant lands to the counties in which they lie.

County treasurers to make reports to county court.

Duty of the county treasurers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of each county Treasurer—appointed by the County Courts of this Commonwealth under the provisions of the act of Assembly, approved February 21st, 1837, entitled, an act to amend the second section of the act of 1835, appropriating the vacant lands of this Commonwealth, north and east of the Tennessee river, to the counties in which they lie—on or before the first day of June next, and on or before the first day of June in each succeeding year, to make out and furnish to the County Courts of their respective counties, a full and complete report of all moneys by them had and received on account of sales of vacant land in their respective counties, setting forth in said report the number of acres sold, to whom sold, and at what price, which report shall be verified by the oath of the Treasurer, taken before some Justice of the Peace: and it is made the further duty of each of the county Treasurers to supply himself with a neatly bound book, in which he shall keep an entry of all orders drawn under the provisions of the above recited act, specifying the number of acres embraced in said order, to whom the same may be issued, and at what price the land was estimated, which book shall at all times be kept free and accessible to the examination of the County Court, or a Commissioner appointed by them for that purpose.

SEC. 2. That it shall be the duty of the several County Court Clerks to furnish his office with a book in which he shall copy the orders drawn on him by the Treasurer, and shall make his entries, of the same character, as those required of the Treasurer by the foregoing section.

SEC. 3. That the office of Treasurer and County Court Clerk are hereby declared incompatible.

Penalty on treasurer for neglect of duty.

SEC. 4. That if the Treasurer or County Court Clerk shall fail or omit, negligently or wilfully, to observe the several requirements of the foregoing sections of this act, he shall forfeit and be liable to a fine of one hundred dollars, to be recovered by indictment of a grand jury.

Approved, February 5, 1842.

CHAPTER 131.

AN ACT to establish the Kentucky Institution for the Education of the Blind.

WHEREAS, the system of Common Schools is intended for the benefit of all the children in the Commonwealth of Kentucky, and a fund has been set apart for that purpose; and, whereas, it is the duty of the State to promote the education

of the blind, and experience having demonstrated that this desirable object can be effected by a judicious and well adapted course of education—therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be established, in the City of Louisville, an institution to be called “the Kentucky Institution for the Education of the Blind,” which shall be under the government of seven Visitors, to be appointed annually by the Board of Education, who shall notify them of their appointment, and prescribe a day for their first meeting, or, in the event of failure, for a subsequent one. The said Visitors, or a majority, shall appoint, from their own body, a President to preside at their meetings, and a Secretary to record, attest and preserve their proceedings. The said Visitors shall be, and they are hereby, authorized and empowered to receive, by legacies, conveyances, or otherwise, lands, slaves, money, and other property, and the same to retain, use and apply to the education of the blind within this Commonwealth, to any amount, the interest, profits or proceeds of which shall not exceed the sum of thirty thousand dollars per annum. The said Visitors shall be charged with the erection, preservation, and repairs of the buildings, the care of the grounds, and of the interests of the institution generally. They shall have power to employ all necessary agents; to appoint and remove Professors (two-thirds of the whole number concurring in every case of removal); to fix their compensation, prescribe their duties, and the course of education; to establish rules for the government and discipline of the pupils; to regulate tuition fees; to prescribe and control the duties and proceedings of all persons with respect to the property and interests of the institution; to draw from the Common School fund, or the Treasury, in the manner hereinafter prescribed, such moneys as are, or shall be, charged by law on either, for the benefit and support of said institution; and, in general, to direct and do all matters and things, which, not being inconsistent with the constitution and laws of the United States, or of this State, shall seem to them most expedient for promoting the purposes, and fulfilling the objects of said institution; which several functions they shall be free to exercise in the form of by-laws, rules, resolutions, orders, instructions, or otherwise, as they may deem proper. The said Visitors shall have such stated and occasional meetings as they shall themselves prescribe. A majority shall constitute a quorum for business; and all vacancies occurring by death, resignation, removal from the Commonwealth, or failure to act for the space of three months, shall be supplied by the appointing power. The President and Visitors shall be, and they are hereby declared, a body corporate, under the style and title of “the President and Visitors of the Kentucky Institution for the Education of the Blind,” with the right, as such, to use a common seal, to plead and be impleaded in all courts of jus-

Visitors to be appointed.

President.

Visitors may receive land, &c.

Powers of Visitors.

Incorporated, and corporate powers.

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Committee of
ladies to be ap-
pointed.

tice, and in all cases in which the interests of the institution are involved. The institution, hereby established, shall, in all things and at all times, be subject to the control of the Legislature; and it shall be the duty of the Board of Visitors, annually, to make a report to the Board of Education, (to be laid before the General Assembly,) which shall embrace a full account of the receipts and disbursements, the funds on hand, and a general statement of the condition of said institution. There shall, also, be a committee of twelve ladies, selected by the Board of Visitors at their first meeting, and their vacancies filled, from time to time, as they may happen from death, removal, or resignation, to aid in the management of the institution, under such provisions as may, from time to time, be prescribed by the by-laws. Indigent children, resident any where within the State, shall be received into the institution, maintained and educated gratuitously, as far as the funds of the institution will admit: *Provided*, that when more children are offered for the benefit of this institution, than can be received at any one time, the Visitors shall so apportion their number among the several counties of this Commonwealth, according to their representation, when application shall be made, that every county may equally receive the benefit of the same.

Appropriation
from common
school fund.

SEC. 2. *Be it further enacted*, That there shall be, and is hereby, appropriated, out of the revenue of the Common School Fund, which has heretofore accrued, or which may hereafter accrue, from the dividends on bank stock held by the Board of Education, the sum of ten thousand dollars, which shall be drawn for by the Board of Education, as the dividends on the said Bank stock may be declared, and by them paid to the Board of Visitors when demanded, in the manner, and under the regulations provided for in the act, entitled, "an act to establish a system of Common Schools in the State of Kentucky": *Provided*, that no portion of this endowment shall be paid until this institution goes into actual operation.

Approved, February 5, 1842.

CHAPTER 136.

AN ACT to prevent Druggists, &c. from selling poisonous drugs to slaves and minors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not hereafter be lawful for any Apothecary, Druggist, Physician, or other person, to sell or deliver to any white person under the age of 15 years, or to any slave or to free persons of color, any poisonous drug or medicine, without the written consent of the parent or guardian of such minor, or of the master of such slave. Any person or persons offending against the provisions of this act, and

duly convicted thereof, shall forfeit and pay the sum of one hundred dollars to this Commonwealth, to be recovered in any Circuit Court, upon indictment or presentment, found by a grand jury as in other cases.

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Approved, February 5, 1842.

CHAPTER 137.

AN ACT to amend the law regulating the conveyance of lands sold by Sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases which have occurred, or may hereafter occur, in which the purchaser of real estate at Sheriff's sale, would have the right, under existing laws, to receive and obtain a conveyance from the acting Sheriff of the county in which such real estate did or does now lie, it shall be the duty of the Sheriff to make and execute such conveyance to the heirs of said purchaser, upon the production of the certificate of purchase, the surveyor's report of the survey, where such survey may be necessary to identify the land sold, and the proof of the decease of the purchaser, if required by the Sheriff.

Approved, February 5, 1842.

CHAPTER 144.

AN ACT authorizing the lease or purchase of a lot of ground for the use of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Superintendent or Keeper of the Penitentiary, is hereby authorized to lease or purchase a suitable lot of ground, not exceeding six acres, convenient to said prison, to be cultivated by aged and infirm convicts, for the use of said institution, to be paid for out of any money not otherwise appropriated, coming from the Commonwealth's portion of the profits of said prison: *Provided,* that said lease or purchase be made under the supervision, and with the consent of the Governor of this Commonwealth.

Approved, February 5, 1842.

CHAPTER 148.

AN ACT to change the time of commencing the August term of the Green Circuit Court, and to alter the terms of the Estill County Court to the second Monday of the month.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the August term of the Green Circuit Court shall commence on the Thursday af-

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ter the first Monday in said month, and continue twenty one juridical days, if the business of the Court shall require it.

SEC. 2. *Be it further enacted*, That from and after the first day of May next, the Estill County Court shall hold their terms on the second Mondays of the month; but there shall be no terms of said Court held in the same months in which the Circuit Court of said county is required to hold its terms.

Approved, February 5, 1842.

CHAPTER 151.

AN ACT for the benefit of all those who may have executed bonds to the Commonwealth for public arms.

Further time
allowed to re-
turn arms.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of each and every individual, or his securities, who may have executed bond to the Commonwealth of Kentucky, prior to the 9th day of February, eighteen hundred and thirty seven, for the safe keeping and return of public arms, to return the same, or so many of them as can be procured, to the office of the Quarter Master General at Frankfort, within one year from and after the passage of this act.

Upon what
conditions to be
released.

SEC. 2. *Be it further enacted*, That when the individual, his security or securities, or the legal representative of either of them, shall file an affidavit sworn to, and certified by some Justice of the Peace for this Commonwealth, that he, she or they had used due diligence to collect said arms, and that he, she or they had returned all that could be procured, the Quarter Master General shall cancel said bond or bonds, which shall release said individual or individuals, from all further liability upon said bond or bonds.

In what cas-
es to apply, &
on what condi-
tions.

SEC. 3. *Be it further enacted*, That the provisions of this act shall apply as well to those bonds on which suit has been commenced, as those which suit has not been brought upon: *Provided*, the individual pay all cost which may have accrued in the progress of said suit or suits; and the prosecution of said suit or suits shall be suspended for one year from the passage of this act; and that the Quarter Master General forward a copy of this act to all those who yet have outstanding bonds executed to the Commonwealth of Kentucky, for the delivery of public arms.

Approved, February 5, 1842.

CHAPTER 165.

AN ACT to repeal an act to increase the powers of the Christian County Court, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act approved 16th Februa-

ry, 1838, entitled, an act to increase the powers of the Christian County Court be, and the same is hereby, repealed.

1842.

SEC. 2. *Be it further enacted*, That the power of the trustees of the town of Hopkinsville shall be, and the same is hereby, increased to one hundred dollars, instead of fifty dollars, the extent of their present power, as a tax on the owners of tippling houses in said town, and to apply the same to the improvement of said town. This is amendatory to an act approved February 3d, 1835, entitled, an act to amend the several acts concerning the town of Hopkinsville.

SEC. 3. *Be it further enacted*, That the Clarke County Court be empowered to contract for the sale of any portion of the Poor House tract belonging to said county, and appropriate the proceeds of said sale to the purchase of other land adjoining said tract, or in any other manner the said Court may deem beneficial to said county, and cause the title of said ground, so sold, to be conveyed to the purchaser through the medium of a Commissioner.

Approved, February 12, 1842.

CHAPTER 166.

AN ACT to amend the several acts incorporating the Henderson, Madisonville and Hopkinsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of four years, from the passage of this act, be allowed to the Commissioners of the Henderson, Madisonville and Hopkinsville Turnpike Road Company, to carry the several acts incorporating said Company into effect, and the said acts are hereby revived and continued in force accordingly.

SEC. 2. *Be it further enacted*, That if the Commissioners, appointed to review the State road from Henderson to Hopkinsville, under the act, approved January 26th, 1841, entitled, an act to establish a State road from Henderson, through Madisonville, to Hopkinsville, shall fail to act within four months from and after the passage of this act, that it shall be lawful for the County Court of Henderson county, the County Court of Hopkins county, and the County Court of Christian county, to appoint, each, two Commissioners to supply their places; who, when appointed, shall have the same power as the Commissioners named in the act to which this is an amendment.

Approved, February 12, 1842.

1842

CHAPTER 167.

AN ACT to establish a State road from Liberty, through Russell county, to Albany in Clinton county.

Comm'rs appointed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard L. Smith and George Vandevier, of the county of Casey, Adam Jackman, Henry C. George and Joel Pierce, of the county of Russell, and Charles W. Semple, of the county of Clinton, are hereby appointed Commissioners to view and locate a route for a State road from Liberty in Casey county, to Albany in Clinton county, having regard to eligible points in Russell county, and crossing the Cumberland river at or near the mouth of Indian creek.

Comm'rs to meet, when & where, & their duties.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Commissioners, upon the application of Charles W. Semple, to assemble at the town of Liberty, on some day to be fixed by said Semple, and proceed to locate and designate the route of said road through the county of Casey; and thereupon, the services of said Smith and Vandevier shall cease, and the remainder of the Commissioners shall proceed to locate and designate the residue of the route; and when the Commissioners shall have made a report of said survey and location of the route of said road to the several County Courts of Casey, Russell, and Clinton counties, it shall be the duty of said Courts to district such portion of said route as passes through their respective counties, appoint fit and competent surveyors of highway, and assign and allot a sufficient number of hands, and take all proper steps to have a road opened upon said route, and kept in order, not less than forty feet in width, clean and smooth of rocks, stumps, and trees; and said road, for all future time, shall be under the control of the said County Courts of Casey, Russell, and Clinton; and said Courts, in respect of said road, shall be regulated by the laws now in force in regard to the public highways.

Approved, February 12, 1842.

CHAPTER 168.

AN ACT to amend an act, entitled, an act appropriating six thousand acres of land, West of the Tennessee River, for the erection of a bridge across Pitman's creek, in Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Justices of the Green County Court shall have the further time of five years, from and after the 27th day of January, 1843, to sell the six thousand acres of land in the district West of the Tennessee river, appropriated to them by the act approved the 20th of February, 1835, for the purpose of building a bridge across Pitman's creek, in Green county, any law to the contrary notwithstanding.

Approved, February 12, 1842.

CHAPTER 180.

1842

AN ACT to establish the county of Marshall.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of June, eighteen hundred and forty two, all that part of Calloway county included in the following boundary, viz: beginning at a section corner in the Graves and Calloway line, seventeen miles North of the point where the said counties of Graves and Calloway corner in the Tennessee State line; thence East with said section line to the Tennessee river; thence down said river to the McCracken county line; thence South with the McCracken and Graves county lines to the beginning, shall be, and is hereby, erected in to one separate and distinct county, to be known and called by the name of Marshall; and that the seat of justice thereof shall be established at the most eligible point, as near the centre of said county as the face of the country will admit, in the opinion of the Commissioners hereafter appointed.

Boundary.

Name.

SEC. 2. That the Circuit and County Courts of Calloway county shall have jurisdiction in law and equity, in all cases and suits instituted in said Courts, before this act takes effect; and it shall and may be lawful for the Sheriff, Constables, and other collecting officers in the county of Calloway, to collect all moneys, execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for the same according to law.

Calloway to have jurisdiction.

SEC. 3. That the county of Marshall shall be entitled to nine Justices of the Peace, who, after being commissioned, shall, on the first Monday in June next, meet at the house of James Clark in said county, and after taking the necessary oaths of office, and qualifying their Sheriff, they shall proceed to appoint a Clerk, in whose permanent appointment a majority of all the Justices in commission shall concur; but if such majority cannot be had, it shall be the duty of said Court to appoint one *pro tempore*, until a majority of said Court shall concur in said appointment.

Number of Justices.

Shall appoint a Clerk.

SEC. 4. That the County Court of Marshall may purchase and receive donations and conveyances of any lot or lots of ground, at the place designated by the Commissioners appointed by this act, to locate the county seat for said county, for the erection of the necessary public buildings thereon; and the said County Court, a majority of all the members concurring, shall proceed, as soon as practicable, to fix their county levy, and to raise, by taxation, a sum sufficient to defray the expenses of erecting the public buildings aforesaid.

Justices may receive donations, &c. and lay county levy.

SEC. 5. That the county of Marshall shall be allowed seven Constables, to be appointed by the County Court, a majority of all the Justices being present, who shall at the same time lay off said county into districts as the law requires.

Number of Constables.

1842

County and
Circuit Courts,
when to be
held.

Comm'rs to
locate seat of
justice.

SEC. 6. That the county of Marshall shall have the use of the Jail of of Calloway county, until one can be erected in the said county of Marshall.

SEC. 7. That the County Court of Marshall county shall be held on the first Monday in each month; and the Circuit Court for said county shall be held on the fourth Mondays of May, August, and November, and continue six juridical days, if the business of the Court shall require it, and the same shall be a part of the sixteenth Judicial district.

SEC. 8. That John Wortham of Graves county, Alfred Boyd of Trigg county, Hugh McCrackin of Caldwell county, and Charleton B. Davidson of McCracken county, any three of whom may act, be, and they are hereby, appointed Commissioners to select, designate, and locate the county seat of the county of Marshall; and the said Commissioners shall be allowed and paid three dollars per day each, going to and returning from, and while engaged in locating the county seat for said county, to be paid by the said county of Marshall.

Approved, February 12, 1842.

CHAPTER 181.

AN ACT concerning the 17th Judicial District.

Term may
be extended.

Proviso.

Judge to di-
rect how to ar-
range docket.

Judge may
appoint special
term for trial of
Commonw'lth's
causes.

May cause a
grand jury to
be impannel-
led.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the 17th Judicial district, may, at any common law term of any of the Courts in said district, if he think proper to do so, by an order in open Court for that purpose, extend said term for any number of days he may deem expedient: *Provided*, said extended term does not interfere with any of the regular terms of the other Circuit Courts in said district; and the term so extended, shall have all the force and effect of the regular term.

SEC. 2. *Be it further enacted*, That the Judge of said district shall direct the manner of arranging, on the docket, all suits in the Courts of said district, whether civil, criminal, penal, or chancery.

SEC. 3. *Be it further enacted*, That the Judge of said district may, as often as he thinks proper so to do, appoint a special term in any of the counties of said district, for the trial of all breaches of the criminal and penal laws of this Commonwealth, and of all misdemeanors; and at any of the terms, so appointed, he may cause, from time to time, a grand jury to be impannelled and sworn, which grand jury shall be vested with all the power and duties of the grand juries of the regular terms; and the Court may, at any of said special terms, proceed to hear and determine all criminal and penal causes and cases of misdemeanor, as fully as though the same was one of the regular terms of said Court.

Approved, February 14, 1842.

CHAPTER 184.

AN ACT amending the act authorizing the Clarke County Court to appoint a Treasurer, approved February 20, 1839, and for other purposes.

1842

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Sheriff, or other collector of the county levies, in Clarke county, on or before the Saturday next preceding the fourth Monday in October in each year, to pay to the Treasurer thereof the whole amount levied for and collectable in that year, after deducting the claims or demands against the county, paid by said Sheriff, or other collecting officer, and which it shall be the duty of said Sheriff or other officer to pay such creditor or claimant as heretofore: *Provided,* that if such demands or claims are not paid to such creditor within the time above mentioned, and if said money, so levied, shall be paid to the Treasurer, as herein directed, the said Sheriff, or other collecting officer, shall not thereafter be liable to suit or motion on said bond for the amount of such claim or demand; and the said Sheriff, or other collecting officer, shall not be entitled to credit in his settlement with said County Court or Treasurer for any delinquent levies, unless a list or lists thereof be reported to said County Court by said Sheriff, or other collecting officer, at the August term of that year in which said levies shall be collectable; nor shall he have credit for any delinquent in said list contained, unless allowed by said Court at said term; nor shall said Court audit or allow a credit for such delinquent list, or any part thereof, until said Sheriff, or other collecting officer, produce to said Court a certificate from a Justice of the Peace of said county, of an oath administered to him or his deputy, in substance as followeth, viz: "Clarke county, Sct: This day personally appeared before me a Justice of the Peace for said county ——— and made oath that the foregoing list of insolvents and delinquents is just and true to the best of his knowledge and belief; and that he has been at the residence of all those delinquents who reside in Clarke county, and demanded the aforesaid levies; and that he has truly, diligently, and faithfully made search and enquiry in their neighborhood for property to distrain for the levies, and has not been able to find any property out of which to make his, her, or their levies, or any part thereof, over and above the sum marked on said list as collected: and, further, that he has made search and enquiry truly, faithfully, and diligently, in the neighborhood of those who are marked on the list as removed, and that he has not been able to find any property out of which to make his, her, or their levies, or more than has been marked on said list as made; and furthermore, that he will well and truly answer and the truth declare to such questions and such enquiries as the Clarke County Court may propound or ask, in relation to said delinquent list." Which certificate shall be endorsed upon, or appended to, said delinquent list.

Duty of the Sheriff.

Proviso.

Delinquents, when to be allowed.

Court, when to allow credit.

Oath.

Certificate to be appended to delinquent list.

1842

Act extended to Garrard county.

SEC. 2. *Be it further enacted*, That the provisions of this act, and the act to which this is an amendment, be extended to, and embrace the county of, Garrard, except that the Sheriff thereof, or other collector of its levies, be required to pay to the county Treasurer of Garrard county, on or before the Saturday next preceding the second Monday in October, instead of the Saturday next preceding the fourth Monday in October of each year, as herein provided in regard to the Sheriff of Clarke.

Approved, February 15, 1842.

CHAPTER 185.

AN ACT to amend the law relating to Pedlers, and for other purposes.

Amount to be paid for license.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That instead of the sum now required by law to be paid by pedlers of goods, wares, and merchandize, there shall be paid by every such pedler, whether acting as principal or agent, the sum of twenty dollars for a license for selling goods, wares, and merchandize, for one year in each county in this State in which he may sell; and that the Clerks of the several County Courts shall, when they grant a license to any pedler, under the provisions of this act, annex the county seal thereto.

County seal to be annexed.

Sheriff, &c. to see this complied with.

SEC. 2. That it shall be the duty of the Sheriffs, County Attorneys, Justices of the Peace, and Constables of this Commonwealth, to see that the provisions of this act are complied with; and to that end to require all pedlers to produce their licences, and upon refusal or failure so to do, to proceed against them according to law.

When the licence to covering horses, jacks and bulls shall expire.

SEC. 3. *Be it further enacted*, That all licenses granted to the owners or keepers of covering horses, jacks, and bulls, shall expire on the 31st day of December next after their dates, so that such licences shall not avail for more than one season.

Who to sell under the same.

SEC. 4. *Be it further enacted*, That no license granted under this act, shall be construed to permit any other than the person named therein, nor more than one person, to sell under the same.

Approved, February 15, 1842.

CHAPTER 188.

AN ACT to establish the county of Ballard.

Boundary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the twenty third day of May, eighteen hundred and forty two, all that part of the counties of Hickman and McCracken, situated and included within the following boundary, viz: beginning at the mouth of Redstone creek, on the Ohio river, in the county of

1842.

McCracken; thence a straight line to the North West corner of Graves county, and common corner of said county, and the county of Hickman; thence with the line dividing said counties twelve miles; thence at angles with the township line to the Mississippi river; thence up the several meanders thereof, and the Ohio river, including the islands in said rivers, to the beginning, shall be, and the same is hereby, created into one distinct county, to be known and called by the name of Ballard, and that the seat of justice thereof, be, and the same is hereby established, on the bank of Mayfield creek, at the most eligible point on said creek, in the opinion of the Commissioners hereafter appointed.

Name.

SEC. 2. That the county of Ballard shall be entitled to twelve Justices of the Peace, who, after being commissioned, shall, on the fourth Monday in May next, meet at the house of Daniel Moseby in said county, and after taking the necessary oaths of office and qualifying their Sheriff, they shall proceed to appoint a Clerk, in whose permanent appointment a majority of all the Justices in commission shall concur; but if such majority cannot be had, it shall be the duty of said Court to appoint one *pro tempore*, until a majority of said Court shall concur in said appointment; and until the public buildings are erected, it shall be the duty of the County Court, at the expense of their county, to select and procure some suitable house in said county, in which the County and Circuit Courts for said county may be held, until the Court House shall be completed and prepared for that purpose.

Number of
Justices, where
to meet.

SEC. 3. That the County Court of Ballard county may purchase, and receive donations and conveyances of, any lot or lots of ground at the place designated by the Commissioners appointed by this act to locate the county seat for the same, for the erection of the necessary public buildings thereon; and the said County Court (a majority of all the members concurring) shall fix their county levy at their October or November court, and to raise, by taxation, a sum sufficient to defray the expenses of erecting the public buildings aforesaid.

May pur-
chase land or
receive dona-
tions, &c.

SEC. 4. That the county of Ballard shall be allowed eight Constables, to be appointed by the County Court, (a majority of all the Justices being present and concurring therein,) who shall, at the same time, lay off said county into districts as the law now requires in other counties in this Commonwealth.

Number of
Constables.

SEC. 5. That the County and Circuit Courts of Hickman and McCracken, and the Justices of the Peace thereof, shall have jurisdiction in law and equity, in the respective parts of said counties in which such cases may arise; and it shall be lawful for the Sheriffs, Constables, and collectors in said counties to collect all money and execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for the same according to law.

Hickman &
McCracken to
have jurisdic-
tion.

SEC. 6. That for the year eighteen hundred and forty two,

1842.

Comm'rs of
tax to be ap-
pointed.

the Sheriffs of Hickman and McCracken counties shall proceed to collect the revenue and county levy in said county of Ballard, as though this act had never been passed.

Sec. 7. That the County Court of Ballard shall appoint Commissioners of tax for the year eighteen hundred and forty three, who shall be governed by the laws which may be in force on that subject.

Shall vote as
heretofore.

Sec. 8. That the voters in said county shall vote for Senator and Representatives, with the counties of Hickman and McCracken, in the respective parts thereof, as they did before the passage of this act; and the Sheriff of said county of Ballard shall compare the polls of said elections as now prescribed by law.

When Cir-
cuit and Coun-
ty Courts to be
held.

Sec. 9. That the County Court of Ballard county shall be held on the fourth Monday in each and every month, except the months in which the Circuit Court is held; and the Circuit Court for said county shall be held on the second Mondays in April, fourth Monday in June, and second in October, and continue six juridical days at each term, if the business of the Court shall require it, and the same shall be a part of the sixteenth Judicial district.

Comm'rs to
locate county
seat.

Sec. 10. That George Barbour of the county of Livingston, Henry Caulter of the county of Graves, John Slead of the county of Calloway, Gustavus A. Flournoy of the county of McCracken, and Benjamin Davis of the county of Hickman, any three of whom may act, be, and they are hereby, appointed Commissioners to select, designate, and locate the county seat of Ballard county; and the said Commissioners shall be allowed and paid three dollars per day each, in going to, returning from, and while engaged in, locating the county seat; and they shall meet at the house of Daniel Moseby, in said county, on the twenty fourth day of May, eighteen hundred and forty two, and proceed to locate the seat of Justice aforesaid, and report to the next County Court thereof.

County line
to be run and
marked.

Sec. 11. That the Surveyors of Hickman and McCracken counties shall be, and they are hereby, appointed Commissioners, with such assistants as they may deem necessary to employ, to run and mark the boundary line of said county, who shall be allowed, each, two dollars per day while engaged in the same, and one dollar per day shall be allowed to each of the persons engaged to assist them.

Comm'rs how
paid.

Sec. 12. That the County Court of said county, shall, in making their county levy, provide for the payment of the claims of said Commissioners.

Approved, February 15, 1842.

AN ACT to establish the county of Boyle, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of March next, all those parts of Mercer and Lincoln counties within the following boundaries, to-wit: beginning at the point where the Casey, Mercer, and Lincoln, lines meet; thence, running a direct line, to Shelby's Meeting House, in Lincoln county; thence, in a direct line, to the five mile tree on the main road leading from Danville to Stanford; thence, a direct line, to the mouth of Street's branch, in the Hanging Fork; thence with the meanders of and down said fork to its mouth in Dick's river; thence down and with said river to a point thereon from which a due east and west line therefrom will include the house, yard, and garden, of the late Judge Boyle, now owned and occupied by Robert Tilford, in Mercer county; thence from said point said due east and west line so as to include said house, yard, and garden; thence, in a direct line, to the bridge across Harrod's run, on the Turnpike road from Danville to Harrodsburg; thence to the bridge across the Dry Fork of Chaplin to the Turnpike road from Perryville to Harrodsburg, and continuing the same course to the Washington county line; thence with the Washington and Marion east county lines to the north Casey line; thence with the Casey county line to the beginning, shall be, and the same is hereby, stricken from Mercer and Lincoln counties and erected into one distinct and separate county, to be called Boyle, in honor of Kentucky's distinguished jurist John Boyle.

Boundary.

Name.

SEC. 2. That the county of Boyle shall be entitled to thirteen Justices of the Peace, who, after having been commissioned and sworn as the law directs, shall, on the second Monday of March next, meet in the tavern house of Nelson Shields, in Danville, and having qualified their Sheriff, they shall proceed to appoint a Clerk of the County Court of Boyle, to whose permanent appointment, however, a majority of all the Justices in commission in and for said county, shall concur; but if such majority cannot be had in favor of any one, then the County Court of Boyle county may appoint a Clerk *pro tem.* until a majority of said court shall concur in an appointment of Clerk.

Number of Justices.

To appoint a clerk.

SEC. 3. That the County and Circuit Court of Mercer and Lincoln counties, and the Justices of the Peace thereof, shall have jurisdiction, in law and equity, in all cases before this act takes effect in the respective parts of said counties in which such cases arise; and it shall be lawful for the Sheriffs, Constables, and Collectors, in said counties, to collect all money and execute all process, as the law directs, which may be in their hands at the time when this act takes effect, and account for the same according to law.

Mercer and Lincoln to have jurisdiction.

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County court
to select lots for
public buildings

Purchase and
pay for same.

SEC. 4. That the County Court of said county of Boyle, a majority of all the Justices of said court being present and concurring therein, shall be, and they are hereby, authorized and required to make a suitable selection of lots, or parcels of ground, and purchase the same, in said county, for the erection of public buildings for the seat of justice of said county; and it shall be the duty of said County Court to make provision for the payment of the purchase money to be paid for said lot, or parcel of ground, according to the terms of the purchase; and the said County Court shall, so soon as may be, after the purchase of said lot, or parcel of ground, proceed to cause a suitable court house, and jail, with such other public buildings as they may think necessary or proper, to be erected thereon; and until said buildings are erected, it shall be the duty of the County Court, at the expense of their county, to select and provide some suitable house, in said county, in which the sessions of the County and Circuit Courts, in and for said county, may be held, until the court house shall be completed and prepared for that purpose: *Provided, however,* that said County Court shall locate the seat of justice for said county in the town of Danville, if the sum of seven thousand dollars shall, on or before the second Monday in July next, be raised, by private subscription, and secured to be paid to said County Court, in equal instalments, at the periods of six, twelve, and eighteen months, from and after the second Monday in July, eighteen hundred and forty two.

Number of
constables.

SEC. 5. That the County of Boyle shall be entitled to five Constables and no more; and the County Court of said county, so soon as this act takes effect, shall lay off the same into five Constables' districts, and in the appointment of Constables and other county officers, shall be governed by the general laws on those subjects.

Commission-
ers of tax.

SEC. 6. That the County Court of Boyle shall appoint Commissioners of Tax for the year eighteen hundred and forty two, who shall be governed by the laws which may be in force on that subject.

Boundary line
to be run and
marked.

SEC. 7. That the Surveyor of Garrard county shall be, and he is hereby, appointed Commissioner, with such assistants as he may deem necessary to employ, to run and mark the boundary lines of said county of Boyle, who shall be allowed three dollars per day for his services whilst engaged, and two dollars per day shall be allowed to each of the persons he may engage to assist him, payable out the county levy of said county of Boyle.

Pay of sur-
veyors.

SEC. 8. That the County Court of said county shall, in making their levy, provide for the payment of said Surveyor and his assistants as aforesaid.

Shall vote as
heretofore.

SEC. 9. That the qualified voters in said county of Boyle shall vote, at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner and at the same places

in said county they now do, and also at the seat of justice of said county, when the same shall be established; and the said county, in said elections, shall vote for Senators and Representatives in the General Assembly with the counties of Lincoln and Mercer as they did before the passage of this act; and the Sheriffs of said counties shall compare the polls of said counties and elections as now prescribed by law.

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SEC. 10. That the County Court of said county of Boyle shall hold its terms on the second Mondays of each and every month, and the Circuit Court in and for said county shall hold its terms on the second Mondays in May, and third Mondays of August and November, in every year, and continue twelve juridical days at each term, if the business of said court shall require it.

When county and circuit courts are to be held.

SEC. 11. That the Sheriffs of Mercer and Lincoln counties shall proceed to collect the revenue and county levy in said counties as though this act had never passed.

SEC. 12. That the county of Boyle shall be, and the same is hereby, attached to the twelfth Judicial District of this Commonwealth.

Approved, February 15, 1842.

CHAPTER 191.

AN ACT concerning the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, an appearance by brief in the Court of Appeals shall be taken and regarded, in all respects, as a personal appearance, and all causes, by such appearances, shall be tried and disposed of by said court upon the same terms, and under the same rules and regulations of said court, as if there was a personal appearance.

SEC. 2. *Be it further enacted,* That said court shall not continue any cause set down for trial where there is an appearance by brief, except upon the same terms and conditions, and under the same rules required by said court, where there is a personal appearance, any usage or rule of said court to the contrary notwithstanding: *Provided,* that such appearance be made by the party or an attorney admitted by the laws of this Commonwealth to practice in said court.

Approved, February 15, 1842.

CHAPTER 194.

AN ACT to amend an act, entitled, an act to amend an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved, February 10th, 1841.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said act, approved, 10th

Commissioners may sue.

1842.

SEC. 9. That the gate keeper shall enter into bond in the Clay County Court, in such penalty as said court may require, and said gate keeper shall receive the same compensation as heretofore.

Vacancy,
how filled.

SEC. 10. That if either of said Overseers shall die, remove, or refuse to accept, said Commissioners are hereby vested with full power to fill the vacancy in such manner as to them may seem just and proper.

SEC. 11. That for good cause shown, the Commissioners may, at any time, remove either or both of said Overseers.

Court may
fill vacancies.

SEC. 12. That if either or both of said Commissioners should die, remove, or refuse to act, the County Court aforesaid, shall appoint a suitable person or persons to fill the vacancy or vacancies out of the county where such vacancy or vacancies may so happen.

SEC. 13. That all laws in relation to said Goose Creek Turnpike Road, heretofore enacted, be, and the same are hereby, repealed.

Approved, February 17, 1842.

CHAPTER 213.

AN ACT to authorize the County Court of Daviess to change the location of a State Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Daviess County, be, and is hereby, fully authorized and empowered to change the location and straighten that part of the State road between Owensboro' and Calhoon's ferry, on Green river, where the same passes through the lands of N. G. Bosley, Jos. Carlin, Edward S. Worthington, and G. Riley, in such manner as said County Court may deem most advantageous to the public and said Bosley, Carlin, Worthington and Riley.

Approved, February 17, 1842.

CHAPTER 214.

AN ACT to provide for the removal of the Steam Boat New Argo, sunk in Kentucky River.

WHEREAS, It is represented to the present General Assembly of the Commonwealth of Kentucky, That a Steam Boat, called the New Argo, has been sunk at the head of Lock & Dam No. 4, on Kentucky river, whereby the navigation of said stream has been obstructed, and still is obstructed—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Board of Internal Improvement, forthwith, to notify the owner or

1842.

owners of said boat, or their legally authorized agent, to remove her out of said stream without delay; and upon their failure to do so, within a reasonable time, it shall and may be lawful for the Board of Internal Improvement to cause the said boat to be removed; and the President of said Board is hereby authorized to draw a requisition, to be paid out of the Internal Improvement fund, for such sum as may be necessary to defray the expense incurred in her removal aforesaid: *Provided*, that if the owners of said Steam Boat shall refuse to pay the costs of such removal, after having been required to do so by the President of the said Board, all the right and title which they may have in and to said boat, shall be forfeited to, and vest in, the Commonwealth of Kentucky; and it shall be the duty of said Board to take the necessary steps to expose to sale the said boat, or such parts thereof, as will be sufficient to pay the costs of its removal: *Provided, however*, that if, after defraying the expense of such removal, there shall be any thing remaining of the proceeds of such sale, or of the boat, or tackle, not sold, the same shall be restored to the owners thereof.

Approved, February 17, 1842.

CHAPTER 216.

AN ACT concerning the action of Replevin.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any goods, chattels, or slaves, are wrongfully taken, or wrongfully detained, the person having immediate right of possession may bring an action of replevin therefor, and for the damages sustained by reason of the unjust caption or detention, under the regulations hereinafter specified.

In what cases the action may be bro't.

SEC. 2. No cross replevin, or replevin for property in the possession of an officer, by virtue of legal authority, or other person, by the order, decree, or judgment of a court, shall be brought, and if brought in such case, the writ shall be void so far forth, and shall be disregarded by the officer, if such matter have come to his knowledge, so far as it concerns such property: *Provided, however*, that property taken by virtue of a distress warrant, or a fee-bill, may be replevied.

Shall not lie for property in the hands of an officer.

Proviso.

SEC. 3. No writ of replevin shall be issued to change the possession of any property, except in cases where property has been distrained for rent, and the tenant, assignee, or under tenant, wishes to bring replevin, unless an affidavit be filed with the clerk, made by the plaintiff or some other credible person, before the clerk or any Justice of the Peace, that the plaintiff, as the person does verily believe, is entitled to the immediate possession of the property sued for, that the same was wrongfully taken, or is wrongfully detained by the de-

Affidavit to be made.

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endant, and that the plaintiff's right of action has accrued within one year.

Execution of
the writ and
bond to be giv-
en.

SEC. 4. The proper officer shall execute the writ by summoning the defendant according to the tenor thereof, and taking possession of the property therein described, and shall deliver the same to the plaintiff upon his giving bond with good security, to be approved by the officer, in double the value of the property, (which value shall be ascertained by two or more disinterested persons, under an oath to be administered by the officer,) and with condition to prosecute the suit with effect, and without delay, and to return the property, in case it shall be so awarded, and to pay all such damages as may be assessed against the plaintiff, and the costs of the suit, and keep harmless the officer, where he shall have taken the property by the direction of the plaintiff; and if the plaintiff shall fail, for forty eight hours after the officer shall have taken the property, to execute such bond, the officer shall restore the property to the defendant or the person in whose possession it was found: and the plaintiff may change his declaration to suit the case, if he have filed one, without costs or delay, so as to try the right of property. And where the affidavit, aforesaid, is made, that the property is wrongfully detained, and not that it was wrongfully taken also, the defendant, or some responsible person for him, may execute a bond, before the officer, payable to the plaintiff, with good security, in twice the value of the property, with condition to perform the judgment of the court, and in such case, the property shall be left with him, or such person as may have charge thereof; and the clerk, in such cases, shall indorse the writ, when he issues it, to this purport: And the declaration, if one have been filed, may, in such instances, be changed without costs or delay, so as to suit the case; and for taking either of the bonds mentioned in this section, the sheriff shall be entitled to a fee of one dollar.

Bond.

Bond to be
taken to the
Comm'th.

SEC. 5. The bond provided for in the fourth section of this act, shall be taken, in all cases, except as hereinafter provided, to the Commonwealth of Kentucky; and if the condition thereof be broken, the defendant may sue thereon in the name of the Commonwealth, to his use; or if the officer be damnified by reason of taking any property on a writ of replevin under the plaintiff's direction, he may sue thereon.

Proceedings
where the pro-
perty is taken
in execution or
under distress
warrant.

SEC. 6. In all cases where a stranger may wish to bring an action of replevin for property taken in execution, or the tenant or other person shall wish to bring the action for property taken under a distress warrant, it shall be the duty of such person to file, in the clerk's office, a copy of the warrant or execution, under which the property has been taken, and for this purpose, the officer in whose hands such execution or warrant may be, shall furnish a copy to the party desiring it; and it shall be the duty of the clerk to indorse on the writ in replevin the name of the person claiming the rent, and the

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amount thereof, or the name of the plaintiff in the execution, and the amount due thereon; and, in such cases, it shall be the duty of the officer, before he shall make replevy of the property, to take a bond to the landlord, or plaintiff in the execution, with good security in double the amount of the rent claimed, or sum due on the execution, with condition to prosecute the suit with effect and without delay; and if the plaintiff shall fail in his suit, to pay the amount to be due on the execution and ten per centum thereon, and all costs of the suit, or the rent due with interest, and ten per centum thereon, and all costs, as the case may be, or to pay the value of the property replevied and ten per centum thereon, and the costs of the suit.

SEC. 7. The tenant, assignee, or under tenant, shall, in all cases, have his action of replevin against the party suing out the warrant only, and the indorsement of a levy on the warrant, without an actual taking of the property, shall entitle him to his writ of replevin.

The action
of the tenant,
&c.

SEC. 8. If the officer shall return a writ of replevin, in substance, that the property therein described has been secreted or eligned by the defendant, and the plaintiff shall then make affidavit that the property was tortiously taken by the defendant, the court shall have power to order a writ of *distringas* against his property to compel a delivery of the property so secreted or eligned, or an attachment may be awarded for that purpose, as the circumstances of the case, to be made known to the court by affidavit, shall require; and the court shall make such order, and take such steps as may be necessary and effectual.

The court
may order a
distringas or
attachment.

SEC. 9. In all cases where the bond of the plaintiff is directed to be taken to the Commonwealth, if the plaintiff shall fail to prosecute his suit, or judgment shall be against him on demurrer, or on issue joined on a plea in abatement, the court, on the motion of the defendant, shall impanel a jury to assess the value of the property, or the defendant's right therein, at the time it was taken by the officer, and the damages sustained by reason of the action, and upon such assessment, render a judgment for the value of the property and the damages, or for a return of the property, (unless the defendant's right have expired,) and the damages assessed, as the defendant may elect.

A jury to as-
sess the value
of property, or
damages.

SEC. 10. In all actions of replevin between landlord and tenant, assignee, or under tenant, for property distrained, if the plaintiff shall fail to prosecute his suit, or judgment shall be against him on demurrer, or on issue joined on a plea in abatement, the court, upon a suggestion in the nature of an *avowry*, shall impanel a jury to find the amount of rent due and the value of the property replevied, and upon such finding the court shall render a judgment against the plaintiff for the rent with interest and ten per centum thereon, if the property amount to the rent due; but if the property do not amount

In cases be-
tween landlord
and tenant, &c.
a jury to find
rent due, &c.

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to the rent due, then the judgment shall be rendered for the amount of the rent due and ten per centum on the value of the property replevied; and if the plaintiff fail in an issue on the merits, there shall be a like finding and judgment.

The plaintiff in execution, or the landlord may defend action.

SEC. 11. Where an action may be brought by a stranger to replevy property taken in execution, or on warrant of distress for rent, by an officer, the plaintiff in the execution, or the landlord, may defend such action upon giving security for costs, and the judgment may be for him, and the costs in such case shall not be taxed against the officer but against the party defending.

Proceedings where action is brought by a stranger on property in execution, &c. and decided against him.

SEC. 12. Where an action may be brought by a stranger to replevy property taken in execution, or on a warrant of distress, if the plaintiff shall fail to prosecute his suit, or judgment shall be against him on demurrer, or on issue joined on a plea in abatement, the court, upon a suggestion in the nature of an avowry, shall impanel a jury to find the value of the property replevied, the amount due on the execution, or the rent due, and the damages occasioned by the action; and upon such finding, the court shall render a judgment against the plaintiff for the amount of the execution, or the rent due, and ten per cent. thereon, if the value of the property amount to the rent or the money due on the execution; and if the value of the property do not amount to the sum due on the execution, or the rent, the court shall render judgment against the plaintiff for the value of the property and ten per cent. thereon, and the damages found by the jury and the costs; and if the plaintiff fail, upon an issue on the merits, there shall be a like finding and judgment, or the plaintiff in the execution, or the landlord, may, in either case, have a return of the property and judgment for the damages, as he may elect; and the finding of the jury in the action of replevin shall be conclusive evidence against the surety in the plaintiff's bond.

Revivor.

SEC. 13. If the defendant in replevin shall die, pending the suit, his executor or administrator shall have a right to revive the same, and if the plaintiff shall die pending the suit, the defendant may revive against his executor or administrator, or if the executor or administrator of the plaintiff fail or refuse to revive the suit, or if there be no executor and no administration granted at the next term after the plaintiff's death shall have been suggested upon the record, the defendant may have a writ for the return of the property awarded him. And where an action of replevin shall be pending by or against an executor or administrator, and he shall die, the suit may be revived by or against an executor or administrator (as the case may be) who shall represent the first decedent.

Pleadings.

SEC. 14. A plea of not guilty shall be a good plea in replevin, except where the defendant wishes to justify under a distress warrant, or execution, or other legal process, and it shall put in issue, as well the wrongful taking or detention of the property, as also the legal right to the property, or the right

to have return thereof; and if, upon such issue, the jury shall find that the defendant has legal right to the property, or the right to have return thereof, they shall also find the value thereof, or the value of the defendant's right therein, as the case may be, at the time of the execution of the writ, and the damages occasioned by the taking and the detention pending the suit, and the defendant may elect to have his judgment for a return and damages, or for the value and damages. And the defendant, as well as the plaintiff, may plead as many several matters, whether of law or fact, as he or she shall think necessary for his or her defence.

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Judgment.

SEC. 15. That the said action shall stand for trial at the first term, if the process be served ten days previously, notwithstanding the declaration may not have been filed at the time of the emanation of the writ; but at the calling of the cause the court shall compel the plaintiff to file his declaration, on pain of having his writ dismissed at his costs, for want of prosecution.

Stand for trial at first term.

When declaration shall be filed.

All acts and parts of acts coming within the purview of this act, shall be, and the same are hereby, repealed.

Repealing clause.

Approved, February 17, 1842.

CHAPTER 222.

AN ACT to incorporate the Pilots' and Commercial Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Crawford, James Hamilton, David L. Adams, Rezin Jones, Thomas J. Martin, James D. Swift, Charles M. Strader, and Robeson De Hart, together with those who shall hereafter become stockholders, as hereinafter directed, shall be, and they are hereby, created and made a corporation and body politic, by the name and style of the President, Directors and Company of the Pilots' and Commercial Insurance Company, and shall continue until the first day of January, one thousand-eight hundred and sixty-two, and by that name are hereby made able and capable in law, to have, purchase and retain, to them and their successors, tenements and effects to an amount not exceeding, in the whole, one hundred thousand dollars; also to sue and be sued in all courts of law or equity in this Commonwealth, or elsewhere; also to make, have and use a common seal, and the same to break, alter or renew at pleasure; also, to ordain, establish, and put in execution, such by-laws and regulations as shall be necessary for the government of said corporation, which are not contrary to law; and to do and execute all things that such a corporation may legally do in the premises.

Incorporated.

Powers.

SEC. 2. That the persons named in the first section shall open books of subscription for the stock in said Company, which stock shall consist of two thousand shares of fifty dol-

Subscriptions for stock.

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lars each, payable in gold or silver coin; and at the time of subscribing they shall have a right to demand and receive ten dollars on each share, and to secure the residue by taking obligations, with adequate security, for the same, payable in six months, which obligations may be renewed from time to time, either for the whole or such part thereof as the Company shall determine.

Elections of
president and
directors.

Vacancies
filled.

Qualifications
of president &
directors.

Stock, how
voted.

Officers to be
appointed.

By-laws.

Quorum.

SEC. 3. That the shareholders shall meet at the place of opening the books for the subscription of stock in said Company, on the first Monday in March, eighteen hundred and forty-two, and at the office of the Company on the first Monday in March in each succeeding year, and elect a President and eight Directors, who shall continue in office until the first Monday in March of the ensuing year, and until their successors are elected; of which elections, previous notice shall be given in the newspapers printed in Louisville, and New Albany, Indiana, at least two weeks; and in case of death, resignation, or removal from the city of Louisville, of the President, or any Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year; and no person shall be President or a Director who does not own ten shares of stock, and is not a resident of the city of Louisville, and who is not engaged either as a Pilot, Captain, owner, or other officer, of some vessel or craft engaged in navigation of the western waters, or who is not engaged in commerce.

SEC. 4. That in all elections, by the shareholders, each share, to the number of ten, shall be entitled to one vote, and every five shares thereafter, owned by the same person, shall be entitled to one additional vote; but no person that is not a resident of the State of Kentucky, or of the town of Jeffersonville or New Albany, Indiana, or who is not engaged either as a Pilot, officer of a boat, or craft used in navigating the western waters, or person engaged in commerce, or an owner of such boats or crafts, shall be entitled to a vote. And no shareholder shall have a vote at any election of President and Directors unless he shall have been the owner of the stock three months prior to such election, by a regular transfer upon the books of said Company; and shares may be voted by proxy, or by the executor or administrator of a deceased owner, at any meeting of the stockholders.

SEC. 5. That the President and Directors, for the time being, shall have power to appoint such officers and agents as shall be necessary for executing the business of said Company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties; and the said President and Directors shall make by-laws and ordinances to govern the corporation, and may repeal, alter or amend them. And the President and four Directors shall constitute a quorum for the transaction of business, or five Directors without the President, one of whom shall be chosen President for the time being.

SEC. 6. That the President and Directors shall have power and authority, in the name of the Company, to make all kinds of insurance upon vessels, boats, or crafts navigating the western waters, or the high seas; also against fire, in town or country, and upon the transportation of goods, wares, and merchandise; and to do and transact all matters relating to said objects, subject to the regulations and restrictions of the shareholders.

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Authority to make insurance.

SEC. 7. That on the first Mondays in March and September, of each year, statements shall be made of the situation of the capital, and of the state of the accounts of the Company, to be laid before the stockholders, with the number, amount, and particular risks undetermined, and all such matters and things as may be necessary for the information of the stockholders; and such dividends of the profits may be made as the President and Directors shall advise, but no such dividend, or other expenditure, shall diminish the capital stock. The shareholders, at their half-yearly meetings, may pass by-laws and ordinances for the regulation of the business of the Company, and of the President and Directors, as they shall think proper, which shall not be repealed, altered, or amended, except by the stockholders; and no compensation shall be made to the President or Directors unless allowed by a majority of the shareholders at some general meeting.

Semi-annual statements.

Dividends.

By-laws.

SEC. 8. That when any suit or action shall be brought against said corporation, the writ may be served on the President or Secretary, and when thus served, within proper time, shall authorize a judgment by default in an action at law, if the corporation fail to appear.

Writs may be served on the president or secretary.

SEC. 9. That the said corporation shall have no power to loan money, or in any manner to exercise banking powers.

SEC. 10. That that the right to repeal or modify this charter, from time to time, is reserved to the General Assembly.

Approved, February 18, 1842.

CHAPTER 227.

AN ACT to amend the law concerning public roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several County Courts of this Commonwealth shall have the same power to open and establish roads, not exceeding forty feet wide, to locks and dams, within their respective counties, under the same rules and regulations that govern them in establishing other public roads, as now prescribed by law.

Approved, February 19, 1842.

CHAPTER 229.

AN ACT to amend the road law in Kenton county.

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County to be
divided into
districts, and
overseers ap-
pointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Kenton county at their March term eighteen hundred and forty-two, or so soon thereafter as practicable, a majority of all the Justices of the Peace in commission agreeing thereto, may divide the county into suitable road districts, and shall appoint a Surveyor for each district, who shall serve for one year, or until his successor is duly appointed: that when the districts are laid off, the Clerk of said court shall deliver to the Commissioner of Revenue a copy of the order of Court defining the several districts' boundaries, that the Court may, from time to time, lessen or increase the number of districts, and change the bounds; and when any alteration is made, the Clerk shall furnish the Commissioner of Revenue with a copy of such order previous to his beginning to assess; and the citizens shall be subject to a road tax of six cents on each hundred dollars worth of taxable property, and a poll tax of one dollar and fifty cents.

Road tax to
be collected.

Duty of the
com'r of tax.

SEC. 2. That the Commissioner of Revenue for said county, when he assesses the revenue, shall, in a book to be provided by the County Court for that purpose, assess all the real estate, together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately; and he shall value the real estate as is done for revenue, and shall set down the value of the real estate, and number of tythes subject by this act to work on roads; which book, when the assessment is completed, shall be returned to the Clerk of the County Court, whose duty it shall be to transcribe the same; and a copy of each district assessment, specifying the amount of taxes due from each person, shall be delivered to the Sheriff, to be delivered to the Surveyors of the respective districts; and where lands are owned by the same person in different districts, the Commissioner shall notice the fact in his assessment, and the County Court shall have power to correct all improper assessments. They may receive proof that the Commissioner of Revenue has omitted to assess persons or property, and on the fact being established, they may cause the same to be entered of record, setting forth the value of the property, and the number of persons, and the amount of taxes due thereon, a copy of which order shall be furnished to the proper Surveyor for collection.

Duty of the
surveyors of
roads.

SEC. 3. That it shall be the duty of the Surveyors to superintend the opening, repairing, and keeping in repair, all public roads in their respective districts, under the order and direction of the County Court; and they are authorized and empowered to collect the tax of all persons assessed, and liable therefor; and the parents or guardians of minors, and the owner or person having the immediate right to the service of

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any slave tythable, shall be liable for the taxes assessed against them. The Surveyor shall, in person, or by written notice, inform the persons liable to work as aforesaid, by giving at least two days notice of the time and place where they shall assemble, and the description of tools they shall furnish to work on the road; all who choose may, by themselves, or an able bodied substitute, work out the amount of their tax at the rate of seventy-five cents per day, for every days' work performed: and if, after being notified, the person liable for the tax does not attend and labor, as required by this act, under the direction of the Surveyor, then the Surveyor shall proceed to sue for the same by action of debt, in the name of the Commonwealth, before any court having jurisdiction thereof; and on the trial of all such suits, the Surveyor shall be a competent witness, and the assessment shall be taken as evidence.

SEC. 4. That the occupant of lands subject to taxes shall be liable for the taxes due on the land, to the extent of his indebtedness to the owner of the land for rent: *Provided*, he, she or they have had notice of the tax before payment to the landlord, and such payment shall be obligatory on the owner of the property.

SEC. 5. That the Surveyor shall make out a fair statement, verified by oath, of the receipts and disbursements, together with a list of delinquents, setting forth from whom the tax is due, and the amount, and report the same to the County Court at their May term in every year, which delinquent list shall be delivered to the succeeding Surveyor, to be by him collected and accounted for. The Surveyors shall be subject to the general law for all general duties, and on failure to perform any special duty required by this act, he shall be subject to a fine of not less than two dollars nor more than ten dollars, to be recovered in the name of the Commonwealth, before any Justice of the Peace; and the fine, when collected, shall be added to the district fund in which it is collected, for road purposes.

Surveyor shall make out report of expenses, &c.

SEC. 6. That the County Court shall allow their Clerk a reasonable compensation for the services herein required; and the Surveyor, in appointment, shall be entitled to seventy-five cents for each day's attendance he shall give to the notifying of the hands or working on roads, but in no one year to exceed the amount of ten dollars; and he shall, during his appointment, be exempt from serving on juries in the Circuit Court. He shall have full power to expend the amount of taxes assessed on the road in his district.

Compensation to clerk, &c.

SEC. 7. That if, after expending the road tax as herein before specified, the road shall be in bad condition, the Surveyor shall have power to call on the tythables to perform not exceeding two days work over and above the tax as herein before required.

When road tax is expended how roads are to be worked.

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SEC. 8. That so much of the act, approved January 29, 1840, making the road law for Campbell county the law for Kenton county, shall be, and the same is hereby, repealed; and if the County Court do not adopt this act, then the provisions of the general law shall be in full force in said county.

SEC. 9. That if there shall be no assessment made for the year eighteen hundred and forty-two, then the County Court may, after districting the county, prescribe the mode of ascertaining the locality of persons and property in the several districts, and may adopt the assessment of 1841: *Provided, however,* that nothing in this act shall be so construed as to effect or alter the act exempting the citizens of Covington from county levy and road tax.

Approved, February 19, 1842.

CHAPTER 235.

AN ACT authorizing the County Court of Floyd to change the State road leading from Mount Sterling to the Virginia line.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Floyd county to change the location of the State road in said county, where the same passes through the lands of Henry Stratton, John Hatcher, Blair May, Christopher Patton, and John Walker: *Provided,* the said Court is satisfied that said change will be of no public injury, and the applicant or applicants will make the new road as good as the old one.

Approved, February 19, 1842.

CHAPTER 239.

AN ACT concerning Bills of Exchange.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all bills, drafts, and checks, hereafter made, drawn in this State, or payable in this State, and all bills, drafts, and checks, drawn by Banks or individuals in one State, on Banks or individuals, being or residing in another State, in favor of, or held, or endorsed, by a citizen or citizens of this State, for Bank notes, or currency, or current funds, shall be deemed negotiable, and be treated in all respects, as if drawn for money, except as to the value thereof; and the same actions shall lie thereon.

Approved, February 22, 1842.

CHAPTER 240.

1842.

AN ACT to authorize the County Court of Morgan county to straighten the State road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Morgan county [be, and it is hereby, authorized to straighten the State road in said county, near Squire Nichols' on Red River, in the manner prescribed by law, regulating public highways, a majority of said Court being present and concurring therein.

SEC. 2. *Be it further enacted*, That said Court may grant a change in said road, on the land of Joseph Lawson: *Provided*, the part changed be made as good as the old road, and the distance be not increased.

Approved, February 22, 1842.

CHAPTER 245.

AN ACT to amend an act, providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes.

• SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the 5th, 6th, 7th, and 8th sections of the act, entitled, "an act providing that the estates of persons dying without heirs, or distributees, shall vest in the Commonwealth, and for other purposes," be, and the same are hereby, repealed.

Parts of former act repealed.

SEC. 2. That hereafter, no agent or agents, attorney or attorneys, employed by the Auditor of Public Accounts, or otherwise, under the said act, for the collection of any sum or sums, due upon lands forfeited, or stricken off to the State for the non-payment of taxes thereon, shall collect or receive the same for the State as aforesaid, where the said forfeiture to the State, of said lands, has been caused by the failure to pay the tax thereon, of some other person than the owner or occupants of said lands, seven years next preceding the passage of this act.

Agents not to collect.

SEC. 3. That when any agent ascertains that a survey of land owned by a non-resident, and which has been stricken off to the State, interferes with the claim of an actual settler, holding the title under a grant from the Commonwealth of Virginia or Kentucky, the said agent is directed to receive the tax due the Commonwealth from the owners of the title to the land thus forfeited, and on their failure to pay the amount due the Commonwealth, the said agent is directed to give notice to, and permit, the said actual settler to pay the tax, interest, and costs, due the State, for the land so interfering, and to transfer the claim and title of the State, to such occupant or occupants: *Provided*, that nothing herein contained shall prevent the Auditor of Public Accounts from selling the lands now held and owned by non residents, agreeably to the directions of law.

Tax on non resident's lands forfeited, to be received from owners—and if not paid by them, may be paid by occupants.

Proviso.

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SEC. 4. *Be it further enacted*, That all sales made by the Auditor, or any agent under his authority, shall be made in the several counties where the lands at present lie.

Approved, February 22, 1842.

CHAPTER 246.

AN ACT granting certain powers to the Bank of Kentucky.

- Fund to meet the loss by the Schuylkill fraud.
- May be vested in the stock of the Bank.
- May exchange for or purchase the over issues of certificates.
- Proviso.
- Capital stock may be enlarged.
- Assignment of stock, &c. purchased.
- Proof that holders of certificates are innocent purchasers.
- SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President and Directors of the Bank of Kentucky may, and they are hereby, authorized and empowered to set apart the undivided earnings and profits of the Bank, up to the 1st of January, 1842, and all the future earnings and profits of the Bank, over five per cent. per annum, after paying expenses and losses, and all sums which may be recovered from the Schuylkill Bank and others, on account of the over issue of certificates of shares of the stock of the Bank, by the Schuylkill Bank, as a fund to meet and cover any loss which the Bank may sustain by reason of such over issue of certificates; and said President and Directors may invest such parts of said fund as they may deem advisable, in the stock of the Bank, at its current market price.
- SEC. 2. That said President and Directors shall also have power and authority to exchange any shares so purchased, for any of the over issue of certificates by the Schuylkill Bank, or claims to shares having their origin in such over issue, or to purchase any of the certificates of over issue, or claims to shares having their origin in such over issues, with said fund: *Provided*, that in the exchange or purchase of any of said certificates, or claims, more shall not be allowed or given, than share for share, or the current market price for Kentucky Bank stock; and they shall also have power and authority to enlarge the capital stock of the Bank, not exceeding one million of dollars, and recognize any of said over issues of certificates, or claims to shares having their origin in such over issues, in the hands of innocent purchasers, without notice, to an equal amount: *Provided*, that in making any such exchange or purchase, or recognition, they shall take an assignment of the certificate of over issue, or claim to shares having their origin in such over issue, substituting the Bank to all the rights of the party against the Schuylkill Bank and others, on account of such over issue, with authority to use the name of such party, in all, or any suits deemed proper, to enforce their liability, and also to enter the appearance of the party to any and all suits having the same object.
- SEC. 3. That said President and Directors shall prescribe the character of proof which they will require, that any claimant of certificates of over issue, or of claims to shares having their origin in such over issue, is an innocent purchaser, with-

out notice, and the authentication of the proof, and make the same known to the parties interested, within a reasonable time after the passage of this act: *Provided*, that the claim of no person shall be precluded by the decision of the President and Directors.

SEC. 4. That said President and Directors shall, on the first day of July next, and on the first of January and July, in each succeeding year, make a dividend of the net earnings and profits of the Bank, not exceeding five per cent. amongst the shareholders they shall recognize as entitled to dividends; and as soon as practicable, shall cause the transfer books to be opened, at the principal Bank at Louisville, and permit all the stock they shall have recognized, to be transferred under the by-laws and regulations of the Bank, as to the transfer of stock; that when the Bank shall be exonerated, under the provisions of this act, or otherwise, from said over issue of certificates, and the capital, if increased under the provisions of this act, made equal to par, out of the fund hereby authorized to be set apart, then the residue thereof shall be carried to the account of the earnings and profits of the Bank, and divided amongst the stockholders in the form of dividends: *Provided*, that said President and Directors may, with said fund, purchase and withdraw as many shares as will reduce the capital to three millions seven hundred thousand dollars, exclusive of the one million of dollars paid for by the Commonwealth, in five per cent. State bonds: *And provided further*, that the Bank shall not retain said five per cent. dividend on the other stock of the Commonwealth, to pay the back interest which is due on said one million of State bonds; but that back interest shall be made up to the Bank, out of the dividends, over five per cent., which shall hereafter be made on the one million of stock paid for with said bonds.

Approved, February 22, 1842.

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Proviso.

Dividends.

Transfer books.

Residue of funds set apart to be divided.

Shares may be withdrawn.

Dividends of the State.

CHAPTER 247.

AN ACT to change the time of holding certain County and Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That after the March term of the next County Court for Green county, the terms of said [County] Court shall commence on the third Mondays in each month, except those in which the Circuit Courts are held in said county.

SEC. 2. *Be it further enacted*, That the County Court of Owen shall be changed from the first Monday in to the third.

SEC. 3. *Be it further enacted*, That the Circuit Court of Trimble shall, at its fall term, commence on the third Monday in October, and continue six juridical days, if necessary.

Green.

Owen.

Trimble.

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SEC. 4. *Be it further enacted*, That the County Courts of Monroe county be hereafter held on the fourth Monday of each month, in place of the third, as heretofore.

Approved, February 22, 1842.

CHAPTER 250.

AN ACT concerning the roads in Campbell county.

Districts to
be laid off, and
surveyors ap-
pointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Campbell county, at their March term, 1842, or so soon thereafter as practicable, shall divide said county into suitable road districts, and shall appoint a surveyor for each district, who shall serve for one year, or until his successor is duly appointed; that when the districts are laid off, the Clerk of said Court shall deliver to the Commissioner of revenue a copy of the order of Court defining the several district boundaries, that the Court may, from time to time, lessen or increase the number of districts, and change the bounds; and when any alteration is made, the Clerk shall furnish the Commissioner of revenue with a copy of such order, previous to his beginning to assess, and the citizens shall be subject to a road tax of six cents on each hundred dollars worth of property, and a poll tax of one dollar and fifty cents.

Comm'r to
assess road tax.

SEC. 2. *Be it further enacted*, That the Commissioner of revenue for said county, when he assesses the revenue, shall, in a book to be provided by the County Court for that purpose, assess all the real estate, together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately, and he shall value the real estate, as is done for revenue, and shall set down the value of the real estate, and number of tythes, subject by this act to work on roads, which book, when the assessment is made complete, shall be returned to the Clerk of the County Court, whose duty it shall be to transcribe a copy of each district assessment, specifying the amount of taxes due from each person, and deliver the same to the Sheriff, to be by him delivered to the surveyors of their respective districts; and when lands are owned by the same person in different districts, the Commissioner shall notice the fact in his assessments, and the County Court shall have power to correct all improper assessments; they may receive proof that the Commissioner of revenue has omitted to assess persons or property, and on the fact being established, they may cause the same to be entered of record, setting forth the value of the property, and the number of persons, and the amount of taxes due thereon, a copy of which order shall be furnished to the proper surveyor for collection.

Duties of the
surveyors.

SEC. 3. *Be it further enacted*, That it shall be the duty of the surveyors to superintend opening, repairing, and keep-

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ing in repair, all the public roads in their respective districts, under the order and direction of the County Court; and they are authorized and empowered to collect the tax of the persons assessed and liable therefor; and the parents and guardians of minors, and the owner or person having the immediate right to the service of slave tythables, shall be liable for the taxes assessed against them. The surveyor shall, in person, or by written notice, inform the persons liable to work as aforesaid, by giving at least two days notice of the time and place where they shall meet, and the description of tools they shall furnish, to work on the roads; and all who choose, may, by themselves, or an able bodied substitute, work out the amount of their tax, at the rate of seventy five cents for every eight hours work performed; and if, after being notified, the person liable for the tax does not attend and labor, as required by this act, under the direction of the surveyor, then the surveyor shall proceed to sue for the same, by action of debt, in the name of the Commonwealth of Kentucky, before any Court having jurisdiction thereof; and on the trial of all such suits, the surveyor shall be a competent witness, and the assessment shall be taken as evidence.

SEC. 4. *Be it further enacted*, That the occupant of lands, subject to tax, shall be liable for the taxes due on the lands to the extent of his indebtedness to the owner of the land for rent: *Provided*, he has notice of the tax before he pays his landlord; and such payment shall be obligatory on the owner of the property.

Occupants of
real estate to
be liable for
road tax.

SEC. 5. *Be it further enacted*, That the surveyor shall make out a fair statement (verified by oath) of the receipts and disbursements, together with a list of delinquents, setting forth for what the tax is due, and the amount, and report the same to the County Court at their May term in every year, which delinquent list shall be delivered to the succeeding surveyor, to be by him collected and accounted for. The surveyor shall be subject to the general law for all general duties, and on failure to perform any special duty required by this act, shall be subject to a fine of not less than two dollars, nor more than ten dollars, to be recovered in the name of the Commonwealth of Kentucky, before any Justice of the Peace; and the fine, when collected, shall be added to the district fund in which it is collected, for road purposes.

Surveyors to
make report of
expenses, &c.

SEC. 6. *Be it further enacted*, That the County Court shall allow their Clerk a reasonable compensation for the services herein required; and the surveyor, in appointment, shall be entitled to a credit of seventy five cents for each day's attendance he shall give to the notifying of hands, or working on the roads, but in no one year to exceed the amount of ten dollars; and he shall, during his appointment, be exempt from serving on juries in the Circuit Court; he shall have full power to expend the amount of the taxes assessed on the roads in his district.

Pay of Clerk
and surveyor.

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Sec. 7. *Be it further enacted*, That if, after expending the road tax, as herein before specified, the roads shall be in bad condition, the surveyor shall have power to call on the tythables to perform not exceeding two days work, over and above the tax, as herein before required.

Sec. 8. *Be it further enacted*, That all property situated within the corporation of the town of Newport, shall be exempt from the provisions of this act; also, the citizens of said town shall be exempt from paying a poll tax for road purposes.

Approved, February 22, 1842.

CHAPTER 252.

AN ACT to change the time of holding the Circuit and County Courts in the counties of Simpson and Allen, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the Allen Circuit Court shall commence on the second Mondays in May, August, and November, and shall continue twelve juridical days at each term, if the business shall require it; and the County Court of Allen county, shall hereafter commence on the second Mondays in each month, except when the Circuit Court shall be in session; and that the Simpson Circuit Court shall hereafter commence on the fourth Mondays in May, August, and November, and continue, at each term, six juridical days, if the business of the Court shall require it; and when there shall be five Mondays in said months, or either of them, then the said Court shall continue twelve juridical days, if the business thereof so requires; and that the County Court of Simpson shall hereafter commence on the third Monday of each month.

Sec. 2. That the Spring term of the Casey Circuit Court, shall hereafter commence on the third Monday in May; the summer term on the third Monday in August, and the fall term on the first Monday in November; and the Clerk and other officers, shall, in all respects, conform to the several changes herein made.

Approved, February 22, 1842.

CHAPTER 255.

AN ACT concerning Turnpike Roads in this Commonwealth.

Rules in passing. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following rules shall be hereafter observed by all stage, wagon, carriage, or drivers of other vehicles, of all kinds running on any of the Turnpike roads in this Commonwealth, viz: all vehicles of every kind

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meeting, shall give to each other one half the McAdamized part of the road, each passing to the right; fast vehicles overtaking those that are of slower movement, shall bear to the right, giving half of the road as aforesaid, so as to permit the faster vehicle to pass on the left or near side.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any wagon, or other vehicle of any kind, to carry on their horses, mules, or wagons, bells of any kind or description whatever, unless the clappers thereof are secured so as to prevent them from making a noise.

Not to carry bells.

SEC. 3. *Be it further enacted*, That if any stage driver, wagoner, or driver of any vehicle whatever, shall fail or refuse promptly to comply with the rules prescribed in this act, the person or persons offending, shall be liable to a fine of not less than fifteen shillings nor more than five dollars; and every driver or owner, who shall be guilty of a violation of the second section of this act, shall, for each offence, be punishable by a fine of not less than fifteen shillings nor more than five dollars, at the suit of the Commonwealth.

Penalty.

SEC. 4. *Be it further enacted*, That any Justice of the Peace of this Commonwealth shall have jurisdiction to hear and determine any violation of this act, to assess the fine, and coerce the same by *capias pro fine*, as in other cases of the Commonwealth; and any person giving information and becoming responsible for costs, shall be entitled to one half of the fine assessed; and in addition, all drivers and owners, as aforesaid, shall be liable to civil suit by any party injured or damaged by reason of a non-compliance with this act.

Penalty, how collected.

Approved, February 23, 1842.

CHAPTER 260.

AN ACT further to amend the charter of the Mechanics' Savings Institution of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no person shall hereafter be eligible to the office of President or Director in the Mechanics' Savings Institution of Louisville, unless he shall be, and shall have always continued to be, an original stockholder, or shall be the owner of five hundred dollars of the stock, regularly transferred, at least six months previous to the day of election.

Who shall be eligible as president or director.

SEC. 2. *Be it further enacted*, That the said Institution shall have a lien upon the stock of every owner thereof for the payment of any liability to said Institution, owed by him or her as principal; and no stock shall be transferred, except subject to such lien, unless the Board of Directors, under the seal of the corporation, shall allow such transfer to be made exempt from said lien.

Lien on stock.

Approved, February 23, 1842.

CHAPTER 264.

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AN ACT to amend the Revenue Law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all licenses issued to owners and keepers of covering horses, jacks, and bulls, shall expire on the last day of December next after the issuing such license.

Approved, February 23, 1842.

CHAPTER 265.

AN ACT to amend an act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of three years, from and after the passage of this act, be allowed the Somerset-Independent Bank of this Commonwealth to close its concerns; and during that time their agents may, respectively, sue and be sued, implead and be impleaded, and prosecute suits now depending in all courts of justice, as fully; and completely as if the act, approved, January 2d, 1833, and as if the act, approved, February 4th, 1828, entitled, an act to authorize the stockholders of the late Independent Banks to elect agents to close the concerns of said Banks, and for other purposes, had not expired: *Provided,* that the President and Directors of the Bank of Somerset, or the Commissioners of said Bank, shall first execute bond in the County Court of Pulaski, conditioned that they will faithfully pay out any amounts, hereafter collected, in the discharge of the debts of said Bank: *Provided further,* that this act shall not have relation to any other Bank than the Bank of Somerset: *Provided,* that the provisions of this act shall also have relation to the Independent Bank of Newport, and the said Bank shall be entitled to all the privileges of this act, upon the execution of the bond in the County Court of Campbell.

Approved, February 23, 1842.

CHAPTER 267.

AN ACT to amend the law in relation to the collection of fee bills in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth section of an act, passed by the General Assembly of the Commonwealth of Kentucky, approved, 25th December, 1820, entitled, "an act to regulate endorsements on executions," be, and the same is hereby, repealed.

Approved, February 23, 1842.

CHAPTER 268.

AN ACT to extend the time of receiving and registering headright plats and certificates, and legalizing those received since the old law expired.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time for receiving and registering headright plats and certificates, be, and the same is hereby, extended until the first day of August, 1845, and that all which have been received and recorded since the law expired, be, and the same are hereby, legalized and made valid.

Approved, February 23, 1842.

CHAPTER 269.

AN ACT to amend the law concerning the Revivor of Suits.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all cases where any suit may now be depending, or shall hereafter be depending, at law or in equity, in any of the courts of this Commonwealth, brought by or against an executor or any administrator whatever, and the plaintiff or defendant shall die, or be removed from office by the court in which he qualified or received his appointment, or his office shall expire, the suit shall not, for either of said causes, abate, or be discontinued, but the same may be revived and prosecuted in the name of, or against the successor, or the person who shall accede to the duties, of such plaintiff or defendant who may have died, been removed from office, or whose office has expired, in the same manner as if such successor or the person acceding to the duties, had originally been a party to such suit, any law or usage to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That the revivor of suits authorized by the first section of this act, may be made by an order suggesting the death or removal of the plaintiff or defendant, or the expiration of his office, as the case may be, and the appointment of his or her successor, or the accession of another to the duties of the office. A copy of which order shall be served on the party against whom the order of revivor is made.

Approved, February 23, 1842.

CHAPTER 283.

AN ACT to amend an act, entitled, an act appointing Commissioners to lay off and mark a State road from Harrodsburg to Smithland in the county of Livingston, approved, February 9th, 1828.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the State road as leads from Russellville to Princeton, by way of Elkton and Hopkinsville,

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be, and the same is hereby, discontinued, any law to the contrary notwithstanding.

Approved, February 23, 1842.

CHAPTER 285.

AN ACT to regulate elections in the county of Marshall, and for other purposes.

Election.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the qualified voters in the county of Marshall shall vote at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner, and at the same places in said county they now do; and also at the house of R. W. Wilkins, on the road leading from Wadsboro' to Paducah, and at the seat of justice in said county, when the same shall be established; and the county, in the said elections, shall vote for Senators and Representatives, with the counties of Calloway and Trigg, in the respective parts thereof, as they did before the passage of the act establishing said county of Marshall; and the Sheriff of said county of Marshall shall compare the polls of said elections as now prescribed by law.

Revenue.

SEC. 2. That for the year one thousand eight hundred and forty two, the Sheriff of Calloway county shall proceed to collect the revenue and county levy, in said county, as though the act establishing Marshall county had not been passed.

County levy.

SEC. 3. That in case the contractors shall rescind their contracts with the County Court of Calloway for the building of the jail and Clerk's office, now under contract, in the town of Wadsboro', the County Court of Calloway shall pay over to the County Court of Marshall all the county levy collected by the Sheriff from the citizens of Marshall, after a fair deduction is made for the first proportion of the claims against or due out of the county levy for the year 1842.

Approved, February 23, 1842.

CHAPTER 286.

AN ACT to attach the county of Crittenden to the sixteenth Judicial District, and for other purposes.

Courts, when held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Crittenden shall be, and the same is hereby, attached to the sixteenth Judicial District, and that the Circuit Courts for said county shall commence their terms on the third Monday in February, fourth Monday in May, and fourth Monday in November, in each year, and continue six juridical days at each term, if the business require it.

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SEC. 2. That the County Courts for said county shall be holden on the first Monday in April next, and on the second Monday in every month thereafter, except those months in which the Circuit Courts are held for said county.

SEC. 3. That the county of Crittenden shall be entitled to six Constables and no more, and the County Court for said county is hereby authorized to lay off said county into suitable districts for the same.

Constables.

SEC. 4. That the voters of Crittenden county shall be entitled to vote in all elections for County Representatives, Senators, Members of Congress, and all other officers, as heretofore with Livingston county, until another apportionment; and the Sheriffs of the two counties, viz: Livingston and Crittenden, shall meet and compare the polls at the county seat of Livingston county, on the first Saturday next after any election shall be held for any of the aforesaid officers.

How to vote.

Approved, February 23, 1842.

CHAPTER 294.

AN ACT to amend the law concerning changes of venue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when a suit or action shall be brought or pending by a Judge, or against a Judge, in any court where he presides, the suit or action may be removed, at the instance of either party, at the first term held after the service of process, to the circuit, the court house of which is nearest to that in which the cause may be so pending, and this shall be a matter of course, without notice; and when any suit or action shall be brought, or pending in any Circuit Court, or in the Louisville Chancery Court, and the Judge of said court shall, from any cause, be of opinion that he ought not to adjudicate in such suit or action, and the parties shall not be actually present in court by themselves or counsel, it shall be lawful for either party to give notice to the other, of an application to said court, for the removal of the suit, and upon such notice being returned served by a proper officer, or the service thereof being proved in court, the court shall order said suit to be removed to the circuit, the court house of which is nearest to that in which the suit is or shall be pending, except, that in such cases where the suit shall be depending in the Louisville Chancery or Jefferson Circuit Court, it shall be removed to the Jefferson Circuit or said Chancery Court; and where the party, to whom notice should be given, is a non-resident of the county, notice may be given to his agent, or his attorney at law, and where the party is a non-resident of the State, and has no agent or attorney in the county, notice may be given by publication for eight weeks, in a newspaper of this State, published nearest to the court house where the suit or action is pending.

Venue changed where the Judge is a party.

Changes in Louisville Chancery and Jefferson Circuit Courts.

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CHAPTER 296.

AN ACT to reduce the salary of the President of the Bank of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the President of the Bank of the Commonwealth shall receive for his salary the sum of five hundred dollars, instead of the sum now allowed by law.

Approved, February 24, 1842.

CHAPTER 300.

AN ACT to amend the law concerning the probate of wills.

The law giving the Court of Appeals power to try matters of fact as well as law, repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of every act or acts as gives the Court of Appeals power to try all matters of fact, as well as of law, in questions relating to the probate of last wills and testaments, on an appeal or writ of error, from or to any County Court, shall be, and the same is hereby, repealed.

Writ of error from county to Circuit Court.

SEC. 2. *Be it further enacted,* That any person interested, may prosecute a writ of error or appeal, from the decision of any County Court refusing or granting probate of a will, to the Circuit Court of the county in which the decision has been or shall be rendered; on the return of which, into the Circuit Court, such court shall have full power and authority to try all matters of law and fact in controversy, and reverse or affirm the decision of the County Court, and give such judgment as shall be right and just, and to award costs in the same manner, and to the same extent, that the Court of Appeals now has power to do; a writ of error in the Circuit Court may be amended as such writs may be amended in the Court of Appeals, and the case shall be set for trial on the second day of the next term, after the process is sued out, if it be executed ten days before the commencement of the term; and the court shall make such order as shall be proper to provide a fair and speedy trial of the cause, without any strict regard to rotation with other cases on the docket: *Provided,* the aforesaid writ of error be prosecuted within the time prescribed by the act, entitled, "an act to amend the law concerning writs of error," approved, February 8, 1816.

Appeal or writ of error to Court of Appeals.

SEC. 3. *Be it further enacted,* That either party may prosecute an appeal or writ of error, from the decision of the Circuit Court, to the Court of Appeals, in the cases aforesaid, and that court shall try and determine the controversy on the law and evidence apparent on the record; and to that end, any party may, by bill of exceptions, or in any mode known to the law, place on the record the evidence adduced on the trial in the Circuit Court, and the matters moved and decided in said court; and the Appellate Court shall not reverse the judgment of the inferior court, because all the persons inter-

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ested in the will were not made parties to the controversy in the court below: *Provided, always*, that this act shall not be so construed as to prevent any person interested, who was not a party served with process, and who did not appear by himself or counsel in the Circuit Court, from contesting the validity of a will as provided in the eleventh section of an "act to reduce into one the several acts concerning wills, the distribution of estates, and the duty of Executors and Administrators," approved, February 24, 1797.

SEC. 4. *Be it further enacted*, That in any case now depending in the Court of Appeals, by appeal or writ of error, to reverse the judgment or order of a County Court, rejecting or admitting to record a will offered for probate, it shall be the duty of the Appellate Court, on the application of either party, or their attorney, at the next term of the said court, to remove, as on a change of venue, said appeal or writ of error, for trial in the Circuit Court of the county in which said judgment or order was so rendered; and, thereupon, said Circuit Court shall have the same jurisdiction of said writ of error or appeal as such court would have in case the same had been originally prosecuted to said Circuit Court, pursuant to the provisions of this act; and the expenses of such removal shall be defrayed in the manner provided for in regard to other changes of venue; but this section shall not extend to any case where, by the assignment of errors, there is no issue of fact made, but merely a question of law.

Cases now pending in the Court of Appeals removed to the county courts.

Approved, February 24, 1842.

CHAPTER 305.

AN ACT to establish a State Road from the Ohio river to Albany in Clinton county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a State Road be, and the same is hereby, established through the State of Kentucky, from the Ohio river, opposite the town of Madison in the State of Indiana, to the town of Albany in Clinton county, to pass by the following points to-wit: Bedford in Trimble county, Hendrensville in Henry county, Maxville in Washington county, Chandler's in Marion county, Columbia in Adair, and Creelsburg or Grider's ferry in Russell county; and the following persons are hereby appointed reviewers to view and ascertain the best route for the proposed road through the respective counties in which they severally reside, to-wit: James L. Young, Mortimer Satterwhite, and Overton Killis, of the county of Trimble; Silas W. Hunt, Henry Herndon, and George Davis, of the county of Henry; Lewis Bailey, James Harrison, and William Harrison, of Shelby; John Morgan, Benjamin Franklin, and Madison Wash, of the county of Anderson; Samuel Brown, John M. Davis, and Levi Smith, of Spencer county;

Places thro' which road is to run.

Com'rs appointed.

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Com'rs to re-
port to their
courts.

Duty of the
courts.

Comm'rs of
Trimble county
to give notice.

County courts
to district road
& allot hands.

Leonard Sea, William Mahon, and Thomas W. Claybrook, Sr., of Washington county; John Sandusky, Aaron Sherrill, and William Clark, of Marion county; James Buckhannon, Richard Rice, and James Kerr, of Green county; William Suttles, Jr., Adam Miller, and Clayton Miller, of Adair county; James McGlasson, John E. Grider, and Thomas Allen, of Russell county; and Mark Marlow and John Gabbard, of Clinton county; and said viewers, when they shall have laid out the route of said road in their respective counties, beginning at the Ohio river, shall report to the County Court of their several counties the result, and the names of the individuals through whose lands the proposed road will pass; and the County Courts of the several counties are hereby required to take all proper and necessary steps, in accordance with law, to have said road established and opened up; and shall make a reasonable allowance to the viewers herein named as may seem to them a fair compensation for the time spent in the discharge of the duties enjoined on them by this act, to be paid out the county levy.

SEC. 2. That it shall be the duty of the reviewers of the county of Trimble, so soon as they shall have discharged their duty required by this act, to cause information to be given to the viewers of the adjoining county of the place where the proposed road strikes the county line of the adjoining county, and the same shall be done by either county reviewers of each county respectively.

SEC. 3. That when said road shall be laid out and opened by the counties, through which it passes, shall be districted by the County Courts and kept in order by surveyors and hands as other roads are by law required to be kept open; and all laws, rules, and regulations, applicable to other State roads shall be applicable to the State road hereby established.

[SEC. 4. *Be it further enacted*, That the County Court of Pike shall have authority to appoint three Commissioners, to view and report to said court a change in the road from Pikeville to the Sounding Gap, passing over the land of John Sword; and if the road can be changed on as good ground and not increased in distance, then the said court may order and establish said change, upon said John Sword's working said road, or change, at his own expense.]

Approved, February 24, 1842.

CHAPTER 306.

AN ACT to amend the Road Law in the county of Bracken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Surveyors, or Overseers, of the roads in the county of Bracken shall hereafter be appointed by the County Court of said county, and when appointed by said court, shall, in all respects, be governed by the laws now in force in said county.

Approved, February 24, 1842.

CHAPTER 309.

AN ACT to change the time of holding the Knox County Court.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Knox County Court shall hereafter commence on the fourth Monday in each month in which said court is held, and there shall be no County Court held in any month in which there shall, by law, be a Circuit Court held.

Approved, February 24, 1842.

CHAPTER 312.

AN ACT to amend the act, entitled, an act authorizing the County Court of Pendleton to appoint a County Treasurer for said county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if the Sheriff of said county shall hereafter fail to report and settle with said Treasurer, as required and prescribed by the above recited act, the Treasurer shall report such failure to the next County Court, and said court shall enter up a fine of one hundred dollars against said Sheriff, which shall be collected by the Coroner of said county and paid over to said Treasurer, to be applied to the payment of claims against said county.

SEC. 2. That if the Sheriff of said county shall fail to pay over to the said Treasurer, at the Court of Claims, the full amount of all moneys collected by him for county purposes, and then due for that year, said court shall, at their next term, enter up judgment against him and his securities for such amount, together with twenty per centum damages on the same; and it shall be the duty of the Clerk of said court to issue execution upon said judgment, directed to the Coroner of said county, and endorse thereon that no security of any kind is to be taken.

Approved, February 24, 1842.

CHAPTER 316.

AN ACT to fix the value of the unappropriated land in the county of Madison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That land belonging to the State of Kentucky in Madison county, (except land which has or may hereafter come to the State by virtue of the laws of escheat,) shall and may be appropriated in the manner in which vacant lands have heretofore been appropriated, at the rate of ten dollars per hundred acres; and all laws now in force conflicting with the provisions of this act are hereby repealed.

Approved, February 24, 1842.

LAWS OF KENTUCKY.

CHAPTER 318.

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AN ACT to amend an act, entitled, an act to incorporate the Russellville and Clarksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the eighth section of an act, entitled, an act to incorporate the Russellville and Clarksville Turnpike Road Company, approved, February 21st, 1837, be, and the same is hereby, repealed, and the charter of said Turnpike Road Company shall not expire until the 21st day of February, eighteen hundred and forty eight.

Approved, February 24, 1842.

CHAPTER 320.

AN ACT to establish Tobacco Inspections at Montezuma and Louisa.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That after the passage of this act it shall be lawful for the County Court of Union county to establish a Tobacco Inspection at the town of Montezuma in said county, which Inspection shall be appointed and regulated by the laws now in force.

SEC. 2. That it shall be lawful for the County Court of Lawrence county to establish a Tobacco Inspection in the town of Louisa in said county, which shall be regulated by the laws now in force.

Approved, February 24, 1842.

CHAPTER 326.

AN ACT to amend an act, entitled, an act to establish and improve a State Road from Landing in Boone county to intersect the Covington and Lexington Turnpike Road, approved January the 29th, 1836.

WHEREAS, It is represented, that so much of said road, contemplated by said act, as lies within the county of Boone, has been established, and partly opened; and that part of said road in the county of Grant has not been established and opened, owing to informality in the report of the Grant County Commissioners; and it is doubted whether said Commissioners can make another view and report without new authority—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of said recited act, appointing Robert P. Winston, James D. Polly, James Finnell, and James Kennedy, to act as Commissioners on that part of the road in the said county of Grant, be, and the same is hereby, repealed; and that James Hudson, Thomas Henderson, and

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John W. Finley, be, and hereby, appointed Commissioners with Green K. Perrin, who, or any three of whom, after being first duly sworn to perform the duties designated by said act, by some Justice of the Peace, in and for said county of Grant, shall proceed to discharge the duties required by the before recited act, and make their report in writing to the County Court of Grant, in conformity with the provisions of said act; and if the said report should be informal, or defective, it may be altered or amended, or a new review or report made at any time thereafter; and the Justice of the Peace, before whom said Commissioners may be sworn, shall return to said County Court a certificate of the oath administered by him to said Commissioners; and the said County Court of Grant is required to act in the discharge of its duty under the act to which this is an amendment, without regard to the proceedings had in the county of Boone in relation to said road.

SEC. 2. That the Commissioners, appointed by this act, shall have the same power to raise money, by subscription, as is given in said recited act, and to appropriate any funds raised by subscription or otherwise to the opening or improvement of so much of said road as lies within the said county of Grant.

SEC. 3. That said Commissioners shall so locate that part of said road, within Grant County, as to make it a continuation of the road contemplated by the original act.

Approved, February 24, 1842.

CHAPTER 328.

AN ACT adding Spencer county to the thirteenth Judicial District, and to extend the terms of the Jefferson Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Spencer be added to, and made part of, the thirteenth Judicial District, and that the Judge of the said District shall hold the Circuit Court for the Spencer Circuit.

SEC. 2. *Be it further enacted*, That the Spencer Circuit Court shall commence on the third Monday in May, the fourth in August, and second in November, and continue six juridical days at each term, if the business shall require it; and all process and precepts shall be made returnable to the said Court as herein directed to be holden, and all recognizances shall also stand continued to the times herein fixed on for holding said Court.

SEC. 3. *Be it further enacted*, That the terms of the Jefferson Circuit Court shall be seven weeks instead of six weeks each, and the Judge thereof may appoint such terms as shall be necessary for the trial of pleas of the Commonwealth, and the first five weeks of each term of seven weeks, shall be appropriated to the trial of civil cases; and the trial of actions of petition and summons, attachments and traverses,

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shall not be confined to the day at which they are required to be set for trial, but that part of the docket shall be progressed in as any other part:

Approved, February 25, 1842.

CHAPTER 329.

AN ACT to give an additional term to the Hardin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the Hardin Circuit Court shall hold one additional term more than is now allowed by law, to commence on the third Monday of November in each year, and continue, at each term, twelve juridical days, if the business of said Court shall require it.

Approved, February 25, 1842.

CHAPTER 330.

AN ACT regulating the Tolls on Turnpike Roads in which the Commonwealth is a joint stockholder, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the schedule of tolls, hereto annexed, shall be charged on all the Turnpike Roads in this Commonwealth, in which the State has an interest: *Provided, however*, that the Board of Internal Improvement, may, from time to time, make such alterations in the rates of tolls as they may deem necessary: *Provided, further*, That the rate of tolls herein established shall not be increased.

SEC. 2. *Be it further enacted*, That when any Turnpike Road has a fraction of road less than five miles, it shall be lawful for the managers of said road to charge, at some one of the gates erected on said road, tolls in proportion to said fraction; all tolls are to be paid at the several gates, at the time the same are passed, or in advance:

GENERAL TRAVELLING.

For every horse or mule, and rider, when the gates do not exceed five miles apart—and in the same proportion for any distance—the exact rates to be furnished each gate keeper by the companies,	\$0 06½
For each horse, jack, or mule, led or driven,	0 03
For each head of cattle,	0 02
For each head of hogs,	0 00½
For every head of sheep,	0 00½
For every cart, wagon, barouche, dearborn, gig, or other vehicle, drawn by one horse,	0 12½
Same, as last above, when drawn by two horses or oxen,	0 20

For each family carriage or hackney coach, employed in the transportation of persons, drawn by two horses,	0 25
Same, having seats within for four passengers only, when drawn by four horses,	0 31½
For each sleigh, drawn by one or two horses,	0 12½
For each wagon, drawn by three horses,	0 31½
For each wagon, drawn by four horses,	0 50
For each wagon, drawn by five horses,	0 62½
For each wagon, drawn by six horses,	0 75
<i>Provided, That empty wagons, or wagons having no other loading than provender for the team, shall pay but one half of the above rates.</i>	

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BROAD TREAD OR TIRE.

For each wagon, with four horses of four inch tread and over,	0 37½
For each wagon, with five horses of four inch tread and over,	0 50
For each wagon, with six horses of four inch tread and over,	0 62½
For each coach or stage, having seats within for six passengers only,	0 37½
Same, with seats for nine passengers only,	0 56½
Same, with seats within for twelve passengers only, and drawn by four horses,	0 75
Upon all the above vehicles, drawn by four horses, two cents in addition, for each passenger over four, to be paid by the owner of the coach, but which may be commuted for a definite sum.	

NEIGHBORHOOD TRAVEL AND HAULING WITH COMMON TIRE OR TREAD.

For each wagon or cart, loaded with grain, hay, or other products of the farm, when drawn by two horses, mules, or oxen, per trip, for going and returning,	\$0 37½
Same, when drawn by three horses, per trip, as above,	0 43½
Same, when drawn by four horses, per trip, as above,	0 56½
Same, when drawn by five horses, per trip, as above,	0 75
Same, when drawn by six horses, per trip, as above,	1 00

BROAD TREAD FOR NEIGHBORHOOD HAULING.

For each wagon, loaded with wood, grain, hay, or other products of the farm, if drawn by four horses, per trip, as above,	\$0 50
Same, drawn by five horses,	0 62½
Same, drawn by six horses,	0 87½

Sec. 3. *Be it further enacted*, That if any person or persons, owning, riding in, or driving any carriage of freight or pleasure, or riding, leading or driving, any horse or mule, or driving any description of stock, shall, with intent to defraud any of the respective Boards of Internal Improvement, within

Penalty for
evading pay-
ment of tolls.

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this Commonwealth, or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along, or near said turnpike, or the gate thereon erected; or if any person or persons, shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them, every person so offending, shall, for every such offence, forfeit and pay to the board of directors, or managers, having control of that part of the road on which the offences herein enumerated are committed, the sum of ten dollars, to be sued for, and recovered with costs of suit, before any Justice of the Peace in this Commonwealth, wherein the person or persons so offending may be found, as other debts of equal amount are by law recoverable.

Penalty for
defacing mile
posts, &c.

SEC. 4. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or remove any mile post or stone, placed on any of the Turnpike Roads of this Commonwealth, on the side of said road or roads, or shall obliterate or deface the figures thereon, or shall wilfully break, pull down, destroy or injure any direction post, or the index hand affixed thereto, or shall wilfully deface, destroy, or remove, any printed lists of the rates of toll affixed at any of the toll gates on the Turnpike Roads in this Commonwealth, he or she, so offending, shall forfeit and pay to the board having the control of that portion of the road where the offence is committed, the sum of twenty dollars, to be recovered before any Justice of the Peace for this Commonwealth, as other debts of equal amount are recoverable.

Collateral
roads forbidden
to be opened.

SEC. 5. *Be it further enacted*, That after the respective Turnpike Roads within this Commonwealth shall be opened, it shall not be lawful for any County Court, or any other body corporate or politic whatever, to open or cause to be opened, any collateral public road, or roads, running from, and to the same place, within one mile of any Turnpike Road; and all and every such road now made shall be discontinued, so soon as any Turnpike Road shall be opened: *Provided, however*, that nothing in this act shall be so construed as to prevent the respective County Courts in this Commonwealth from opening a road, or roads, leading from any Turnpike Road to other points or places, in their several counties.

Penalty for
injuring road.

SEC. 6. *Be it further enacted*, That the respective boards, having the control of any portion of the roads of this Commonwealth, shall have full power and authority to sue and recover damages from any person or persons who shall, in any way, damage or injure said road, by tearing up the stone, or turning water, so as to wash away any part thereof, or who shall injure the road, or bridge or bridges, forming a portion of any Turnpike Road, by riding or driving faster than a walk over any such bridge, or who shall injure the structures or property of said board in any other manner whatever; offenders against this section to be tried before any Justice of

the Peace in this Commonwealth, wherein the person offending may be found.

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SEC. 7. *Be it further enacted*, That the rate of tolls herein specified shall not be applicable to the Owingsville and Big Sandy Turnpike, or to any other graded road upon which there is but one gate for each ten miles thereof, but the same shall remain as at present, subject to such change or modification as the Board of Internal Improvement may deem best calculated to promote the public interest, and that of the stockholders.

Owingsville
and Sandy road

SEC. 8. *Be it further enacted*, That the Board of Internal Improvement shall have power, and they are hereby authorized, to let, or lease out, for a term of years, not less than three nor more than seven, for the best price they can get, the road last aforesaid, together with the gates, if, in their opinion, the interest of the stockholders will thereby be promoted without detriment to the public, or the respective communities through which the road passes, under such rules, regulations and restrictions as they may deem best calculated to insure the object contemplated by this act.

Roads may
be leased.

SEC. 9. *Be it further enacted*, That it shall be the duty of the Board to bind the lessee, or lessees, to keep the road in good repair, and pay to the stockholders a net dividend, over and above the cost of repairing; taking bond and good security for the performance of his or their obligation; the amount which may be due to the Public Treasury, to the credit of the Sinking Fund, and the amount which may be due to individual stockholders, to be paid, in like manner, to the respective individuals, or to the Treasurer of the Company for their benefit.

Bond of les-
see.

SEC. 10. *Be it further enacted*, That in making the contract alluded to, the board shall reserve to itself the right to rescind the same, for any refusal or failure on the part of the lessee or lessees, strictly to comply with the provisions thereof, of which the board shall be the sole and exclusive judges, and their decision shall be final and conclusive.

Board may
rescind con-
tracts.

SEC. 11. *Be it further enacted*, That if, at any time, the board shall rescind the contract as herein authorized to do, they may proceed to re-let the same to some other person or persons, or resume the management and control of said road as though this act had not been passed.

Re-let road.

Approved, February 25, 1842.

CHAPTER 331.

AN ACT to amend an act, entitled, an act to appoint Patroles in the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the above recited act as limits the County Courts to fifty cents on each black tythe,

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is hereby repealed, and that the said courts shall have full power and authority to impose a tax not exceeding one dollar on each black tythe, in their respective counties, a majority of the Justices in commission concurring therein, for defraying the expenses that may be incurred by carrying said act into effect.

Approved, February 25, 1842.

CHAPTER 341.

AN ACT concerning runaway slaves.

To be advertised.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act reducing into one the several acts for apprehending and securing runaways," approved January 16, 1798, be so modified as to require the Sheriff or Jailer to publish in the gazette of the Public Printer, or some authorized newspaper, an advertisement of the runaway slave within twenty days after his commitment to jail, instead of delaying said publication until the expiration of two months after such commitment of said slave, as prescribed by said act.

Approved, February 26, 1842.

CHAPTER 347.

AN ACT to require persons failing to list their taxable property with the Commissioner, to list the same with the Clerk of the County Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person who shall have failed to give in his or her list of taxable property to the proper Commissioner, may, nevertheless, at any time previous to the first day of September, give in his or her list to the Clerk of the County Court, in manner and form, (except as to the time of giving in the same,) and subject to the like penalties as are prescribed by the laws now in force, which lists the Clerk shall certify to the Auditor and Sheriff on or before the tenth day of September in each year.

Jury may be summoned.

SEC. 2. That in all instances where any person may be summoned for failing to give in a list of taxable property, it may be lawful for the County Court to have a jury summoned and impaneled to ascertain such facts as may be submitted to them, in order to ascertain whether such person be guilty or not, and thereupon the County Court may render their judgment according to the finding of the jury.

Approved, February 26, 1842.

CHAPTER 348.

AN ACT concerning the Maysville and Mount Sterling Turnpike road, and to authorize the County Court of Kenton to convey certain lots of ground.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of the county of Montgomery to take under their jurisdiction so much of the unfinished portion of the Maysville and Mount Sterling Turnpike road, as is located within said county, and keep the same in repair for travel and transportation, according to the general law regulating county roads: *Provided*, that the consent of the Managers of said road shall first be obtained by the County Court for that purpose: *And provided, further*, that said court shall restore said road to said Managers whenever they shall require it.

Road.

SEC. 2. *Be it further enacted*, That the County Court of Kenton county shall be, and they are hereby, authorized to appoint two or more Commissioners to execute deeds of conveyance to the purchasers of lots in the town of Independence in said county, the sale of which has been made by Commissioners, under the authority of said County Court; and such conveyances, when made, shall convey the right and title of said court, to said purchasers respectively.

Kenton county court.

Approved, February 26, 1842.

CHAPTER 351.

AN ACT to amend the law which provides for condemning lands for public purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever it shall become necessary to procure the condemnation of lands for the use of water power, at any of the locks and dams in this Commonwealth, or for any other necessary purpose connected therewith, it shall be lawful for the Chief Engineer, or whoever is the agent of the State, to apply to a Circuit Judge, either term time or in vacation, whose residence is most convenient to the place where the lands are desired to be condemned, setting forth in a petition the place, or places, where the lands lie, and the number of acres required, not to exceed fifteen acres at each of said locks and dams, for the use of the Commonwealth, describing the same by metes and bounds, accompanied by a plat of the same; whereupon it shall be the duty of the Judge, by his written order, to appoint three honest and discreet housekeepers as Commissioners, two of whom may act, to go upon the lands and view the place or places in said petition set forth; and after being duly sworn, before some Justice of the Peace, honestly and faithfully to ascertain and assess the value of the same, taking into consideration the conveniences and advantages to the owner, or owners, of said

For the use of water power at locks.

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land, by the construction of the public works thereon, and the damages to be sustained in consequence thereof, and make a report thereof, which they shall return to said Judge, and if approved of by him, he shall direct and order the same to be recorded in the Clerk's office of the County Court in which said land lies, to be paid for by the applicant: *Provided, however*, that the owner, or owners, of said land about to be condemned, if he, she, or they, reside in the county where the land lies, shall have twenty days previous notice of the time and place of the meeting of said Commissioners; but if said owner, or owners, are not residing in said county, then, in that case, the said notice shall be given to the person, or persons, having said land in possession, or residing on the tract of which the land sought to be condemned is a part; and when the owner, or owners, of said lands are not known, or reside out of the State, it shall be the duty of the agent of the State to advertise the same, for six successive weeks, in the newspaper of the Public Printer, stating therein the time and place of the meeting of said Commissioners, and the object for which they meet; and the Public Printer, publisher, or proprietor of said paper shall certify the same.

Damages,
how paid.

SEC. 2. That upon the confirmation of the report of said Commissioners, if the agent of the State elects to take said land, and pay the amount of damages assessed, he shall be at liberty to do so, in sixty days thereafter, by paying the same to the owner, or owners, of said land, or depositing the amount in the Treasury of the State, to the credit of the person entitled to the same; *Provided, however*, that possession shall not be taken of the said land until the damages are paid or deposited as aforesaid,

Title to vest
in Commonwealth.

SEC. 3. That from and after the payment, or deposit, of the damages, as aforesaid, all the right, title, and interest of the owner, or owners, of said land, shall vest in this Commonwealth by virtue of this act.

Land for
quarries.

SEC. 4. That whenever it shall be necessary to condemn any ground for quarries, or other material for the use of any of the Turnpike roads in this Commonwealth, the agent, or agents of the company, or corporation, in which the Commonwealth of Kentucky is a stockholder, shall apply to some convenient Circuit Judge, in the manner before stated—except that no plat shall be necessary until the condemnation is made—and the same proceedings shall be had as are directed in the foregoing sections, in every other respect: *Provided, however*, that the company, or corporation, shall not condemn, for any one quarry, more than one acre of ground, and shall only have the use of the quarries condemned so long as the same can be useful in repairing said road; and whenever the same ceases to be useful, as aforesaid, it shall be lawful for said company, or corporation, to make any just or equitable arrangement with the owner of the said ground, to surrender up all claim of the company thereto: *Provided, further*, that said compa-

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ny shall be liable for the payment of damages the owner of the ground shall sustain by the carelessness or improper conduct of said Company, or their agents, in getting the materials off the ground, notwithstanding the condemnation shall have been made as aforesaid: *Provided, further*, that no quarry shall be condemned within two hundred yards of any dwelling house, or so near any garden, orchard, or spring, as to impair the value of the same.

SEC. 5. *Be it further enacted*, That the different local Boards of Internal Improvement in this Commonwealth, shall have the same right to a traverse on the finding of a jury under a writ of *ad quod damnum*, as the person through whose land the road is to pass now has by law, upon such Board, by their President, entering into bond, with good and sufficient security, that they will duly prosecute said traverse, and pay to the defendant all damages which he may incur thereby; and upon entering into said bond, before the proper officer required to take the same, the Board shall have the right to proceed with the work on the road, without making a tender of the money to the owner of the land until the final trial of the traverse.

Right of traverse.

Approved, February 26, 1842.

CHAPTER 354.

AN ACT to change the terms of certain Circuit Courts in the seventeenth Judicial District.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the year eighteen hundred and forty-three, and every year thereafter, the Franklin Circuit Court shall be held on the first Mondays in the months of April, July and October, and shall continue eighteen juridical days at the April and July terms, and twelve days at the October term, if the business of the court shall require it.

SEC. 2. That the terms of the Anderson Circuit Court, for the year eighteen hundred and forty-three, and every year thereafter, shall be held on the fourth Mondays in April and July, and the third Monday in October, instead of the first Mondays of said months, and may continue twelve juridical days at each term, if the business shall require it.

Approved, February 28, 1842.

CHAPTER 357.

AN ACT to change the time of holding the Rockcastle Circuit Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Rockcastle Circuit Court shall hereafter commence on the second Mondays in May,

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August, and November, in each year, and continue twelve juridical days, if the business of said court shall require it.

SEC. 2. *Be it further enacted*, That all process heretofore issued and made returnable to the March term of said Court, shall be as effectual as if made returnable to the May term of said court.

Approved, February 28, 1842.

CHAPTER 359.

AN ACT to regulate the terms of the courts of the ninth Judicial District, and for other purposes.

Time of holding Marion circuit court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Marion Circuit Court shall hereafter commence and hold its terms on the second Mondays in April, July, and October, and continue in session twelve juridical days, if the business of the court shall require it; and the fall term of the Jessamine Circuit Court shall hereafter commence on the second Monday in September, and continue as heretofore.

Jessamine circuit court.

Garrard circuit court.

Special term may be held, and for what purpose.

SEC. 2. The Garrard Circuit Court shall commence its terms on the second Monday in February, third Monday in May, and fourth Monday in August, and continue in session eighteen juridical days at the February term, and twelve juridical days at the May and August terms, if the business of the court shall require it; and the Garrard Circuit Court shall hold a special term, commencing on the fourth Monday in November, for the trial of chancery causes, petitions for debt, and actions of debt, and continue in session twelve juridical days, if the business of the court shall require it: *Provided*, should a jury be necessary in the trial of any cause at the November term, the court may direct one to be summoned from the by-standers.

Mercer circuit court.

Lincoln circuit court.

Boyle circuit court.

When to take effect.

SEC. 3. The Mercer Circuit Court shall hereafter commence and hold its terms on the first Mondays in April, July, and October, and continue in session twelve juridical days, if the business of the court shall require it. And the Lincoln Circuit Court shall commence and hold its terms on the third Mondays in March, June, and September, and continue in session twelve juridical days, if necessary. And the Boyle Circuit Court shall commence and hold its terms on the Wednesday succeeding the first Monday in May, and the second Monday in August and November, and continue in session nine juridical days, if necessary: *Provided*, this act shall not take effect until the first day of April, eighteen hundred and forty-two, and all process to be issued after that day shall be made returnable to the terms of the respective courts as fixed by this act.

Approved, February 28, 1842.

LAWS OF KENTUCKY.

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CHAPTER 364.

AN ACT authorizing the County Court of Campbell to dispose of certain property.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Justices of the County Court of Campbell, and full power and authority is hereby given them, to sell, lease, or otherwise dispose of, any of the public grounds or buildings belonging to said county, situate in the town of Newport; and any deed, lease, or other written contract, which shall or may be given or entered into in relation thereto, by or between a majority of said Justices, or their authorized agent, and the individual or individuals who may purchase or lease said public grounds or buildings, or any part thereof, shall be valid and binding between the parties thereto: *Provided,* that nothing in this act shall be so construed as to divest, or in any way prejudice, any right, interest, or claim, that any other person, or persons, may have, or be entitled, in or to said ground or public buildings.

Approved, February 28, 1842.

CHAPTER 376.

AN ACT to amend the several laws establishing Common Schools.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the School Commissioners, or a majority of them, shall have the power to district their several counties, or to alter or modify the same, as circumstances may require, without making application to the County Courts for any order upon the subject; and in the same way, the Commissioners, or any one of them, may proceed to hold elections in any of the districts, having given previous notice of the same, as the law requires, without any order by the County Court.

School com'rs may district the counties.

SEC. 2. *Be it further enacted,* That the County Commissioners, or a majority of them, shall have power to appoint three Examiners, who shall be professional teachers, at or near the seat of justice, in the several counties; and, also, the same number, at or near any other town or village in the county, who shall examine, and give certificates to such persons as may be found qualified, who shall apply as teachers—a majority of the examiners shall have power to act.

Examiners of teachers.

SEC. 3. *Be it further enacted,* That in case any district shall fail or neglect to levy a tax in said district, for the support of a Common School, the citizens legally entitled to vote therein, or a majority of them, may proceed to raise, by subscription, or otherwise, any sum of money for the support of a school, not less than will be sufficient to keep a Common School for at least three months in each year; and upon this fact being certified to the School Commissioners, by the Trus-

School kept a part of the year.

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tees of such district, and that a school has been actually kept for at least three months, the Trustees of said district shall be entitled to their just proportion of the money allowed for the support of Common Schools: *Provided, also*, that all the children in said district, of the proper age, shall be privileged to attend said school; and nothing herein contained, shall, at any time, prevent said district thereafter from adopting the system of regular taxation.

Poll tax.

SEC. 4. *Be it further enacted*, That the poll tax levied in any district shall not be more than one dollar and fifty cents, or less than fifty cents, for the support of Common Schools.

'Com'rs drawing money and how applied.

SEC. 5. *Be it further enacted*, That so soon as three districts in any county shall go into operation, according to the provisions of this act, or the original act, the Commissioners of the county shall have the right of drawing the money which may be allotted to such county, which shall be applied to such districts, for the period of twelve months, as go into operation, and no further distribution shall take place for twelve months: *Provided*, that the period of three months from and after the passage of this act shall be allowed to all the counties of this Commonwealth to avail themselves of this provision; and any provision contained in the original act which forfeits the amount due any county, at the expiration of five years, shall be, and the same is hereby, repealed.

When lines dividing school districts runs thro' the lands of any person how to pay tax.

SEC. 6. *Be it further enacted*, That where the line dividing any of the school districts in this Commonwealth shall run through and divide the lands of any citizen, he shall be at the liberty to pay the school tax in the district in which he lives, or if he should not live in either of the districts, then the tax shall be paid in the district in which the greater part of the tract lies.

Duty of Superintendent.

SEC. 7. That it shall be the duty of the Superintendent of Common Schools to spend at least eight months of each year in travelling through the State, and lecturing upon the subject of Common Schools, and upon his failure to do so, his salary shall be reduced in proportion to his neglect of complying with the provisions of this section.

When county fails to adopt system.

SEC. 8. *Be it further enacted*, That if any county in this Commonwealth shall fail to adopt the Common School system, the amount due such county shall be paid over to the Commissioners of said county, to be used for the education of the indigent children of said county.

Approved, March 1, 1842.

CHAPTER 377.

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AN ACT more effectually to protect the right of suffrage.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any Sheriff who shall, by himself or deputy, have charge of the poll book, or poll books, of the annual or other election of a member or members of the General Assembly, of a Representative in Congress, or of a Governor and Lieutenant Governor, shall fail to have said poll book or books deposited in the office of the Clerk of the County Court, as required by the act of the General Assembly, approved on the 29th day of January, one thousand eight hundred and thirty, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt at the suit of the Commonwealth upon his official bond, or by an indictment found by a grand jury.

Penalty on Sheriffs for not depositing poll book.

SEC. 2. That should any Sheriff or deputy Sheriff, whose duty it shall be to superintend any election, fail to attend and do so, it shall be the duty of the Judge or Judges of such poll or precinct, to appoint some proper person, who, after being first duly sworn, shall preside over said election; and such person shall so deposit the poll book under the penalty aforesaid.

Judges may appoint a substitute, if Sheriff fails to attend.

SEC. 3. That if the Clerk of the County Court shall fail to keep said poll book or books so deposited, with care, in his office, he shall be liable to a fine of one hundred dollars, to be recovered as aforesaid.

Penalty on the Clerk.

SEC. 4. That if any person shall wager or bet any sum of money, or other thing, upon the election of any of the officers aforesaid, within six months next before said election, he shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment. And if the person winning shall receive the sum of money, or thing bet, or its value, or any thing therefor, the sum of money so received, shall be forfeited to the Commonwealth, to be recovered by action of debt, and the value of any thing else received, shall be adjudged to the Commonwealth in an action of debt therefor.

Penalty for betting on elections.

SEC. 5. That if any person shall be so guilty of procuring, in any election aforesaid, or in any election of Electors of the President and Vice President of the United States, any vote to be given by bribery, or shall be guilty of giving or distributing money or other thing, for the purpose of procuring a vote or votes to be given in such election, directly or indirectly, or of procuring a vote or votes, in said election by any fraudulent conduct or practice whatever, he shall forfeit and pay two hundred dollars, to be recovered on an indictment as aforesaid.

Bribery, &c.

SEC. 6. That if any person, being a citizen of this State, shall deceitfully procure his vote to be taken at any election of any of the officers aforesaid, by reason of a feigned and pretended residence, had and taken in bad faith, for the fraudulent purpose of voting, when in truth he is not entitled to vote, he shall forfeit and pay the sum of fifty dollars, upon an

Voting when not a resident.

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Citizens of
other States.
Proceedings
against.

indictment and conviction thereof; and if any person, not a citizen of this State, shall be guilty of said offence, he shall forfeit and pay not less than one hundred dollars, nor more than five hundred dollars, to be recovered as last aforesaid. And upon complaint made on oath, before any Justice of the Peace, or Judge of any Court in this Commonwealth, that any person who is a citizen resident of another State, has voted at an election in this State, for any of the officers aforesaid, the Judge or Justice shall issue his warrant, directed to the Sheriff or any Constable of the county, commanding him to arrest such person and bring him before the said Judge or Justice, which writ shall be executed as well on a day of election, as on any other day. And if it shall clearly appear, upon an enquiry to be made when the party shall be before said Judge or Justice, that said party has voted at an election aforesaid, when he was, at the time, a resident citizen of another State, he shall be held to bail in the sum of two hundred dollars, to appear at the next term of the Circuit Court to be held in the county, to answer an indictment therefor; and on failure to give such bail, he shall be committed to the jail of the county.

Penalty on
Judges permit-
ting persons not
entitled to vote,
or refusing per-
sons entitled.

SEC. 7. That if any Judge of an election herein mentioned, knowing any person not to be entitled to a vote, shall wilfully and corruptly permit such person to vote, or if such Judge shall, wilfully and corruptly refuse to permit any person to vote, he knowing such person to be entitled to vote, such Judge shall forfeit and pay the sum of one hundred dollars to be recovered as aforesaid.

Actions may
be prosecuted
qui tam.

SEC. 8. That the actions given herein may be prosecuted by any person *qui tam*, &c. and in such case, one half the penalty or forfeiture shall be for the benefit of him who shall institute the suit; and where any one shall have himself entered as the prosecutor at the foot of an indictment herein mentioned, he shall be liable for costs, and shall have one half of the penalty recovered; but no prosecutor shall be necessary.

Duty of Cir-
cuit Judges and
Com^{rs} with At-
torneys.

SEC. 9. That it shall be the duty of the Circuit Judge of every Circuit Court, to cause to be laid before the grand jury, at the term next after any election held in the county, for either electors of President and Vice President, members of Congress, Governor and Lieutenant Governor, or Senators and Representatives of the State, the poll books of such election; and it shall be the duty of the County Court Clerk to attend with such books, for that purpose; and it shall be the duty of the grand jury, faithfully and impartially to examine the same, and wherever they have reason to believe the laws to guard the right of suffrage have been violated, to send off for persons and papers; and it shall be the duty of the Judge, to grant the necessary and proper process to compel the attendance of witnesses to give evidence before the grand jury; and it shall moreover be the duty of the Commonwealth's At-

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torney, in every case arising under this act, and all other laws relative to the right of suffrage and the suppression of fraudulent voting, to cause all persons who he may believe can give evidence of such violations of this act, or other acts and parts of acts, guarding the right of suffrage, to be summoned to appear before the grand jury of the county, and give evidence thereof.

SEC. 10. That this act shall be given in charge by the respective Judges of the Circuit Courts, to the grand juries respectively impanelled, next before, and next after, any of the general elections aforesaid.

This act to be given in charge to grand juries.

SEC. 11. That the fifth and sixth sections of an act, entitled, 'an act more effectually to protect the right of suffrage, and for other purposes, approved February 13, 1828,' shall be, and the same are hereby, repealed.

Former law repealed.

SEC. 12. That hereafter, in any election in this Commonwealth, where a person has once voted, and failed or declined to vote for any one to fill each of the offices, to fill which the election is held, he shall not afterwards, during that election, be allowed to do so.

A person once voting, not afterwards to fill out his vote.

SEC. 13. That it shall be the duty of the several Sheriffs in this Commonwealth, before the commencement of any of the elections aforesaid, to appoint a sufficient number of discreet persons his deputies, to attend at each of the places of election in his county, and if he shall fail to do so, he shall be subject to a fine of one hundred dollars, to be recovered on the indictment of a grand jury; and any deputy who shall wilfully fail to attend at such place of voting, to be assigned to him by the Sheriff, after having consented to serve as deputy, shall be fined the sum of one hundred dollars, to be recovered as aforesaid.

Sheriffs to appoint deputies.

Their duty.

SEC. 14. That the several County Courts in this Commonwealth, shall, at the times prescribed by law, appoint two discreet and well qualified persons, entitled to the right of suffrage, and living in their respective precincts, to act as Judges of the election, then next ensuing; and also a proper person to act as Clerk, who shall continue in office for one year. In the appointment of Judges, the Courts shall not be confined to their own body, but shall prefer Justices of the Peace where they are properly qualified and a sufficient number can be obtained; and so long as it shall be apparent that there are two distinct political parties in the State, advocating different principles, differing in their views in regard to either State or National policy, it shall be the duty of the County Courts to select one Judge of the election at each place of voting, from each of the aforesaid parties, and shall also appoint a Clerk, differing in politics with the Sheriff, who may preside at any precinct or place of voting, so that the officers conducting each and every election, shall be equally divided in politics.

Judges and Clerks to be appointed.

Judges to be of different politics.

SEC. 15. That the Sheriffs shall report to their respective County Courts at the time of appointing Judges and Clerks of

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Sheriffs to report names of persons appointed as deputies, to Cnty Court, and Clerks & Sheriffs to be of different politics.

elections, the name or names of the person or persons appointed by them to act as Sheriff of any election or elections then next ensuing, and if any one fail to do so, it shall still be his duty to appoint a deputy or deputies differing in politics with the persons respectively appointed by the Court of his county, to act as Clerks; and should any person appointed by the County Court as Judge or Clerk of any election, fail to attend and discharge the duties assigned him, it shall be the duty of the Sheriff or deputy Sheriff, acting at such place, without delay to appoint some discreet and proper person in his stead, agreeing in politics with the person failing to discharge the duties assigned him.

Approved, March 1, 1842.

CHAPTER 378.

AN ACT to amend an act, further to regulate the Shelby and Franklin Turnpike, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the third section of an act, entitled, an act further to regulate the Shelby and Franklin Turnpike Road Company, approved February 10th, 1841, as makes it the duty of the Board of Internal Improvement for the State of Kentucky, to appoint two members of the Board of Internal Improvement for Shelby county, shall be so amended as to authorize the Governor to appoint, on or before the first Monday in March, two members of the Board of Internal Improvement for Shelby county, on the part of the State.

SEC. 2. *Be it further enacted*, That an additional Justice of the Peace is hereby allowed to the county of Trimble, and that the Court so appointing such Justice of the Peace, shall pay due regard to that portion of the county added to Trimble, by an act approved February, 1842.

SEC. 3. *Be it further enacted*, That in holding elections for Trustees for the town of Bedford, in the county of Trimble, that it shall be lawful for all persons entitled to vote for members of the Legislature, to vote for such Trustees: *Provided*, that this act shall not extend to any but those that are actual residents and live within the corporation of said town.

Approved, March 2, 1842.

CHAPTER 383.

AN ACT to regulate the prices of the Public Printing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the Public Printer or printers shall be entitled to receive for the public printing, ex-

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clusive of paper, the following prices, viz: For composition of those parts of the Journals, Acts, and other book or pamphlet work, which are plain and not ruled or figured, per one thousand ems, fifty cents. For composition of rule and figure work, per one thousand ems, one dollar. For executing a token of paper at press, (of royal size) in all and every instance, when the page contains seventeen hundred ems or more, seventy five cents. For plain blanks, per quire, fifty cents. For ruled blanks, per quire, one dollar and twenty five cents. For advertising lists of non residents' lands, per tract, twenty five cents. For folding and stitching one hundred copies of the Laws or Journals, four dollars. For all other job work, it is not in any instance to exceed the bill of prices now established by the printers in Frankfort; and the accounts of the Public Printers shall be drawn up in an explicit and intelligible manner.

Approved, March 2, 1842.

CHAPTER 391.

AN ACT concerning the Register of the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any act as provides that the Register of the Land Office shall hold his office during good behaviour, be repealed, and that hereafter said Register shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of four years.

Approved, March 3, 1842.

CHAPTER 393.

AN ACT to amend an act providing that the fines and forfeitures in this Commonwealth, shall be a fund for the payment of Jurors, approved February 5, 1838.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 11th section of said act shall be so amended as to authorize the Judge to draw an order upon the Sheriff for any deficit that may be due, after the fund created by said act has been exhausted, and any such order being paid by the Sheriff, with the receipt of the Trustee of the Jury Fund entered thereon, shall entitle him to a credit in his revenue account, and the Second Auditor is directed to credit him accordingly; but the Sheriff having no funds in his hands belonging to the Commonwealth, and being unwilling to pay such deficit, an order shall be made upon the Auditor, as now directed by law.

Approved, March 3, 1842.

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CHAPTER 394.

AN ACT to establish the county of Letcher.

Boundary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the 1st day of April next, all the parts of Perry and Harlan counties within the following boundary, viz: beginning on the top of the Pine Mountain, opposite Samuel Cornett's, and then with the top of the dividing ridge between the Line fork and the North fork of the Kentucky river and down said river, and then crossing said North fork at the lower end of John Dixon's plantation, and thence a straight line to the mouth of Irishman or Car fork, and thence a straight line to the mouth of Ogden, and thence a straight line to the head of Jones's fork, at the Floyd county line, where the road crosses leading from Perry Court House to Prestonsburg, and thence with the Floyd county line to the Pike county line, and thence with the Pike county line to the Virginia State line, and thence with the Virginia State line to the Sulphur Springs, and thence a straight line crossing the Poor fork of Cumberland river, at the lower end of John Jenkins's old plantation, and thence a straight line to the beginning, shall be, and the same is hereby, erected into one distinct and separate county, to be called and known by the name of Letcher.

Number of
Justices, when
and where and
for what pur-
pose to meet.

SEC. 2. *Be it further enacted,* That the county of Letcher shall be entitled to seven Justices of the Peace, who, after having been commissioned, shall, on the first May next, 1842, meet at the house of Moses Adams, in Letcher county and after having taken the necessary oaths of office, and qualifying their Sheriff, they shall proceed to appoint a Clerk, *pro tem.*, to whose permanent appointment, however, a majority of all the Justices in commission for said county shall concur; but if such majority cannot be had in favor of any one, then the County Court may appoint any one Clerk, *pro tem.*, until such majority can be had in an appointment.

Clerk to be
appointed.

Courts, &c.
of old counties.
Jurisdiction of,
in new county.

SEC. 3. That the County and Circuit Courts of Perry and Harlan, and the Justices of the Peace thereof, shall have jurisdiction in law and equity in all cases, until this act takes effect, in the respective parts of said counties in which such cases may arise; and it shall be lawful for the Sheriffs, Constables, and Collectors in said counties, to collect all moneys, execute all process, as the law directs, which may be in their hands at the time this act takes effect, and they shall be accountable for the same according to law.

Comm'rs to
locate seat of
Justice.

SEC. 4. That Randolph Adams of the county of Knox, Isaac Mize of the county of Estill, and Evan Chesnutt of the county of Laurel, be, and they are hereby, appointed Commissioners, who, or a majority of them, are hereby authorized and directed to make selection and purchase suitable lots or parcels of land in said county, for the location and erection of public buildings for the seat of justice, and shall locate the seat of justice at such place, and shall report their purchase,

and the price and terms thereof, to the County Court of Letcher county, at its next session after such purchase and location; and it shall be the duty of said County Court to make provision for the payment of the purchase money, to be paid according to the terms of the purchase; and the said County Court shall, as soon as may be, after the purchase of such lots or parcels of land reported to them, proceed to cause a suitable Court House, Jail, and such other public buildings as they deem necessary or proper to be erected thereon; and until such public buildings are erected, it shall be the duty of the County Court, at the expense of the county of Letcher, to select and procure some suitable house in said county, in which the County and Circuit Courts may hold their sessions, until the completion of the Court House.

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Seat of Justice, to be purchased, when located & public buildings erected.

SEC. 5. That the County Court of Letcher shall appoint Commissioners of tax for the year eighteen hundred and forty three, who shall be governed by the laws which may be in force on that subject.

Commr's of tax to be appointed.

SEC. 6. That the county of Letcher shall be entitled to no more than four Constables, and the County Court of Letcher county shall lay off the said county into four Constables' districts; and in the appointment of Constables, and all other officers, shall be governed by the general laws of this Commonwealth, in force on those subjects.

Number of Constables.

SEC. 7. That the Surveyors of Knox and Clay counties shall be, and they are hereby, appointed Commissioners, with such assistants as they may deem necessary to employ, to run and mark the boundaries of said county, who shall be allowed two dollars per day for their services whilst engaged in the same, and the assistants shall be allowed one dollar per day for their services, payable out of the county levy of said county; and the Commissioners to locate the seat of justice, shall be allowed four dollars per day for their services, payable in like manner.

Commr's run boundary lines.

Compensation.

SEC. 8. That the County Court of Letcher county, in making their county levy, shall provide for the payment of the Commissioners' claims aforesaid.

Provision for pay of Commissioners.

SEC. 9. That the qualified voters of said county, in all elections for Senators and Representatives in the Legislature of Kentucky, for Members of Congress, and all other officers, shall vote in the same manner and at same places in said county they now do, and also at the seat of justice in said county, when the same shall be established; and the voters of said county shall vote in said elections for Senators and Representatives, with the counties of Perry and Harlan, in the respective parts thereof, as they did before the passage of this act, and the Sheriff of the county of Letcher shall compare the polls in said elections as now prescribed by law.

Voters to vote as heretofore.

SEC. 10. That for the year 1842, the Sheriffs of Perry and Harlan counties shall collect the revenue and county levy in said county of Letcher, as though this act never passed.

Revenue, &c.

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SEC. 11. That the county of Letcher be, and the same is hereby, attached to the 15th Judicial district.

Approved, March 3, 1842.

CHAPTER 395.

AN ACT for the benefit of the Northern Bank of Kentucky.

May exchange or purchase bonds of the Commonwealth, and at what rate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the President and Directors of the Northern Bank of Kentucky, to exchange, by sale and purchase, or otherwise, the bonds of the Commonwealth of Kentucky, bearing interest at the rate of five per centum per annum, held and owned by said Bank for stock in said institution, provided such exchange can be effected at par, that is to say, at the rate of one hundred dollars of said bonds for one share of stock. But said Bank shall only be authorized to make such exchange for its own stock.

May be required to sell, and when.

SEC. 2. *Be it further enacted,* That the Legislature shall have power to require of said Bank to sell said stock, so obtained by exchange, whenever the same can be done at one hundred dollars per share: *Provided,* That the obligation of the said Bank to pay the interest on said bonds, as required by the thirty fifth section of the charter of said Bank, shall remain the same as provided by that section.

May increase surplus contingent fund.

SEC. 3. That the fourteenth section of an act to establish the Northern Bank of Kentucky, be so amended, that the President and Directors shall be authorized to increase the surplus contingent fund to any amount not exceeding ten per centum on the capital paid in; but any surplus over and above the amount now required, may be reduced by dividends when circumstances shall, in their opinion, require it: *Provided,* that the said Directors shall not have the power of increasing said contingent fund out of any balance of profits in their hands, unless it be after they have declared a dividend of five per cent. for the preceding six months.

Approved, March 3, 1842.

CHAPTER 397.

AN ACT to repeal all laws providing for the appointment of Constables in Henry county, and for other purposes.

Six constables only allowed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first Monday in May next, there shall be but six Constables in Henry county.

How and when to be elected.

SEC. 2. *Be it further enacted,* That on the said first Monday in May next, the said County Court of Henry, a major-

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ity of all the Justices of the Peace of said county being present, and concurring therein, shall proceed to elect some suitable person as Constable for each Battalion in said county, who shall reside in the Battalion at the time of his election, and whose duty it shall be to reside in the Battalion for which he is elected Constable, as aforesaid, during his continuance in office.

SEC. 3. *Be it further enacted*, That the four militia Battalions, be, and the same are hereby, established as Constables Districts for the county of Henry; and that if any Constable, who shall be appointed under the provisions of this act, shall remove without the boundaries of said Battalion, such removal shall, *ipso facto*, forfeit his said office of Constable; and the said County Court, a majority concurring therein, shall, thereupon, at their next session, proceed to elect a Constable for said district.

Militia battalions to be constables' districts, and to reside therein.

SEC. 4. *Be it further enacted*, That the town of New Castle, and the boundaries thereof, shall be, and the same are hereby, established as a Constable District; and the said County Court shall, at their said May term, under the same rules as are herein provided for the election of Constables for the other districts hereby established, elect two Constables for the said district, who shall reside, at the time of their election, in the town of New Castle; and that if the said Constables, or either of them, shall remove out of said district, they shall forfeit his or their office; and the said County Court, at their next session or term of their said court, shall proceed to elect a proper person, or persons, to fill his or their office.

Town of New Castle to be a district.

Two constables allowed said district.

SEC. 5. *Be it further enacted*, That any Constable or Constables who shall be in office on the said third day of May next, and before the election contemplated by this act, shall have one year's time to wind up all their old business that they, or either of them, may then have on hand, but that they shall not, from that time forward, take any new business as Constable without being duly appointed Constable or Constables under the provisions of this act; and his or their securities, in his or their bond or bonds to the Commonwealth, shall not be responsible upon his or their said bonds theretofore executed for any new business so taken, unless he or they be re-elected under the provisions of this act.

One year allowed those in office to wind up business,—and not allowed to take new business.

SEC. 6. *Be it further enacted*, That all laws that come within the purview of this act, be, and the same are hereby, repealed so far as the county of Henry is concerned. This act shall take effect from and after the Saturday preceding the first Monday in May next.

Repealing clause.

Approved, March 3, 1842.

CHAPTER 404.

AN ACT granting a bounty on Silk Cocoons.

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Quantity on
which bounty is
granted, and a-
mount of boun-
ty.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby granted a bounty to the producers of silk cocoons, in the State of Kentucky, under the following conditions, namely: to any person (or persons forming a *bona fide* partnership for the purpose of producing silk cocoons,) who shall produce cocoons from worms fed on mulberry leaves or other food, grown in Kentucky, the sum of fifty cents per bushel for every bushel up to ten bushels; and for every bushel over ten, and up to twenty, forty cents; and for every bushel over thirty, and up to forty, twenty cents; and for every bushel over forty, and up to fifty, ten cents; and for every bushel over fifty, five cents.

How right to
bounty shall be
established.

SEC. 2. That any person or persons claiming the bounty offered by this act, shall, in order to establish his or their right to receive the same, exhibit the cocoons for which the bounty is claimed before some Justice of the Peace of the county in which they were produced, and make [oath or offer] other satisfactory proof to the Justice of the Peace, that the cocoons were truly produced from silk worms fed on mulberry leaves, or other food, grown in Kentucky, in the same year in which the bounty is claimed, and that he or they have not elsewhere applied for or obtained a certificate entitling him or them to the bounty offered by this act, and that he or they will neither apply elsewhere for such certificate, nor allow the use of the cocoons to any person else for that purpose; whereupon the Justice of the Peace shall grant his certificate, stating that such person or persons exhibited to him the quantity of cocoons on which the offered bounty is claimed, and that he or they have duly taken the oath required by this act; and the Clerk of the County Court shall endorse his certificate thereon that the Justice of the Peace granting the certificate is officially known to him to be a Justice of the Peace of that county duly commissioned; and the Auditor of Public Accounts shall, on the presentation of the certificate in due form as above prescribed, issue to the holder thereof his warrant on the Treasurer for such sum as he may be entitled to receive at the rates of bounty prescribed in the first section of this act, who shall duly pay the same out of any money in the Treasury not otherwise appropriated.

Penalty for
procuring false
certificates, &c.
and how pun-
ished.

SEC. 3. That any person violating the provisions of this act, by attempting to procure certificates more than once, or allowing the use of the cocoons to any person else for the purpose of procuring another certificate, one having been granted, shall be deemed guilty of felony, and on conviction thereof, as in other cases of felony under the criminal laws of this State, shall undergo confinement in the Penitentiary of this State for the term prescribed for the punishment of perjury; and the person applying for a certificate, knowing one had

already been granted to another person for the same cocoons, shall be likewise deemed guilty of a felony, and be punished on conviction as the criminal laws of the State prescribe in cases of perjury.

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SEC. 4. That this act shall remain in force for the term of four years from its passage.

Approved, March 3, 1842.

CHAPTER 405.

AN ACT to provide for the purchase and distribution of certain books to public officers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Secretary of State, from time to time, as the necessities of the case may require, to purchase for the use of the Commonwealth all books which are required to be distributed to the several officers of this Commonwealth; and it shall be his duty to deliver the same to the proper persons upon the production of an order of the County Court, that such person, so applying, is a Justice of the Peace, Clerk, or such other officer, as under existing laws are entitled to receive the book applied for, (as the case may be,) and that satisfactory proof has been made before the County Court, that such person has not been supplied with the book named in the order, or if previously supplied, that the same has been burned or destroyed by some unavoidable providential act.

SEC. 2. That it shall be the duty of the Second Auditor to draw his warrant on the Treasurer in favor of the Secretary of State for the amount of any bill thus created for books purchased under the provisions of this act.

Approved, March 3, 1842.

CHAPTER 406.

AN ACT concerning the tax upon forfeited land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all moneys that have been collected and paid into the Treasury, in the shape of taxes upon forfeited lands, under an act, entitled, an act providing that the estates of persons dying without heirs, or distributees, shall vest in the Commonwealth, and for other purposes, shall be refunded to those having paid the same, upon their claims, or evidences of payment, properly authenticated, being presented to the Second Auditor, who is hereby directed to issue his warrant on the Treasurer for the same.

Approved March 3, 1842.

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CHAPTER 407.

AN ACT to appropriate the proceeds of the sales of the Public Lands to the payment of the State's debt for Internal Improvement.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the portion of the State of Kentucky of the proceeds of the sales of the Public Lands, under the act of Congress, approved, September 4th, 1841, and entitled "an act to appropriate the proceeds of the sales of the Public Lands, and to grant pre-emption rights," shall be paid over to the Commissioners of the Sinking Fund of this State, who are hereby authorized to receive the same; and said proceeds are hereby set apart as a fund to reduce the bonds of this Commonwealth sold for purposes of Internal Improvement; and said Commissioners are hereby authorized, and required, from time to time, to apply said proceeds to the purchase and withdrawal, in the first place, of the six year bonds, and in the second place, of the bonds having a longer time to mature.

SEC. 2. *Be it further enacted*, That said Commissioners shall cause the bonds, purchased with said proceeds, to be cancelled, from time to time, in the presence of the Treasurer and First Auditor of Public Accounts, and the proper entries to be made on the books of the Treasurer and Auditor; and they shall make annual report to the Legislature of the disposition of said proceeds, and the number and amount of the bonds purchased and cancelled.

Approved, March 3, 1842.

CHAPTER 410.

AN ACT to amend the law in relation to keeping public roads in repair, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act to amend the law in relation to keeping the public roads in repair, approved, January 14, 1831, as regards the services of teams and ploughs, worked on the said roads, to be valued by two disinterested house keepers, they first being duly sworn, be, and the same is hereby, repealed, so far as relates to Montgomery county; and hereafter, the oath of the Overseer of the road shall be sufficient to establish the value and worth of any such teams or ploughs.

SEC. 2. That it shall be the duty of the Circuit Court of Marion county, to ascertain in the manner now prescribed by law, in such case, whether Henry Williams was removed from the county of Casey to the county of Marion, and whether he was, on the 11th day of May, 1841, an Idiot, and continued and remained so to be from that time until the finding of the jury under the provisions of this act, and upon ascertaining the facts aforesaid, to be true, the Second Auditor

Mode of
compensating
persons furnish-
ing teams on
roads.

Marion cir-
cuit court may
ascertain cer-
tain facts in re-
lation to Henry
Williams, an
idiot, and upon
which, an al-
lowance may
be made, &c.

of Public Accounts is hereby directed to issue his warrant on the Treasury of this State, in favor of such Committee of the said Idiot, as the said court shall appoint, for such sums of money as may appear to be due to the Committee of the said Idiot, paying him at the rate of fifty dollars per annum, to be paid out of any money in the Treasury, not otherwise appropriated.

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Approved, March 3, 1842.

CHAPTER 411.

AN ACT supplemental to an act granting certain powers to the Bank of Kentucky, approved 22d February, 1842.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of Kentucky shall not invest any portion of the fund set apart by said Bank for the purchase of the stock of the Bank of Kentucky, or for any of the over issue of certificates by the Schuylkill Bank on claims to shares having their origin in such over issue, or in the purchase of any of the certificates of over issue on claims to shares having their origin in said over issues, at a greater or higher rate than forty dollars per share, unless a higher rate shall be agreed to by four fifths of the Directors of said Bank; and the consent of all the Directors appointed on the part of the State to be given.

Approved, March 3, 1842.

CHAPTER 414.

AN ACT to amend the law establishing the Board of Internal Improvement.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Internal Improvement shall hereafter consist of a President, to be appointed by the Governor, by and with the advice and consent of the Senate, the Treasurer, for the time being, ex officio member, and a Secretary, to be appointed in like manner with the President, and receive an annual salary of five hundred dollars, and said Treasurer shall receive one hundred dollars, annually, for his services as member of said Board.

Board to consist of President, the Treasurer, ex officio, and the Secretary of Board.

SEC. 2. *Be it further enacted,* That all laws authorizing the appointment or continuance in office at a fixed annual salary of any Chief or Resident Engineer, shall be, and the same is hereby, repealed: *Provided, however,* that should it be deemed necessary by the Board of Internal Improvement to fill, temporarily, any vacancy so occasioned, in order to fulfil any obligation made with a Contractor, or Contractors, and to guard and protect the interest of the State against any loss or

Laws authorizing appointment of chief engineer, repealed.

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Board to fill vacancy in engineer department temporarily with consent of the Governor.

Duties of engineers to be prescribed by board, and to fix compensation.

5th section act 1841, repealed.

Local boards to be responsible in certain cases.

injury, whether it be consequent upon any defective or erroneous estimates heretofore, or hereafter to be made, or for the carrying on the works of Internal Improvement or otherwise, it shall be the duty of said Board to make known their views and opinions to the Governor in writing, and if the Governor shall concur in opinion with the Board that the appointment or employment of such Engineer, or Engineers, shall be expedient and proper, he may, and is hereby authorized to make such temporary appointment accordingly, taking care to select a competent and skilful Engineer to examine, supervise, and correct the said estimates preparatory to a settlement of accounts, or to carry on said works; and the duties of said Engineers shall be prescribed by said Board, and they shall receive for the services so rendered, such compensation, as the Board, by and with the approbation of the Governor may consider equitable and just, not exceeding twenty five hundred dollars for all the services so rendered during the present year: *and, provided, further*, that the compensation so allowed any such Engineer shall not exceed the rate of one thousand dollars per year for the time such Engineer shall be actually engaged in the public service.

SEC. 3. *Be it further enacted*, That the fifth section of the act, entitled, "an act to amend the several acts providing for Internal Improvement in the State of Kentucky, approved February 18, 1841, shall be, and the same is hereby, repealed; and that the duties imposed upon the Superintendents contemplated by said section shall be performed by the Engineer, or Engineers, whose appointments are authorized by this act.

SEC. 4. That if any local Board of Internal Improvement on the Turnpike Roads shall incur liabilities, or contract debts beyond the amount which may at any time be allotted to their respective roads, contrary to the instruction of the Board of Internal Improvement, the President and Directors of such local Board shall be responsible for the same in their individual capacities.

Approved, March 3, 1842.

CHAPTER 415.

AN ACT to authorize the sale of seven acres of land by the State Agent for Garrard county, and appropriate the proceeds of sale.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, That Abram, a free man of color, of the county of Garrard, departed this life intestate, without heirs or distributees, and was seized, in his own right, at the time of his death, of seven acres of land lying in said county—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the State Agent for the county aforesaid, expose said seven acres of land to public sale at the court

house door in the town of Lancaster, on some public court day, previous to the third Monday in October, 1842, upon such terms as shall be directed by the Garrard County Court, and the proceeds of said sale shall be applied by said court to the education of such deaf and dumb persons in said county as the court may select.

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Approved, March 3, 1842.

CHAPTER 417.

AN ACT appointing an Internal Improvement Treasurer for the county of Ballard, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Boards of Internal Improvement for the counties of Hickman and McCracken shall hereafter, each, pay over to the County Court of Ballard, for the purposes hereinafter specified, one third of all unappropriated funds now in their hands, or which shall hereafter come into their hands, for the purposes of Internal Improvement.

Boards in Hickman and McCracken to pay to county court of Ballard one third amount in their hands.

SEC. 2. *Be it further enacted*, That the Clerk of said County Court of Ballard shall be made the Treasurer of said fund, and shall give bond with security, that he will faithfully discharge, the same, according to the orders of the County Court, and take an oath, also, that he will faithfully discharge the duties of Treasurer, and in no wise lend or use the fund, or any portion thereof, either for his own benefit, or for the benefit of another.

Clerk of Ballard to be treasurer, to give bond, &c.

SEC. 3. *Be it further enacted*, That the County Court aforesaid shall use the said money thus coming to their hands in building bridges and improving the most important highways throughout the county; the said court shall be, and is hereby, clothed with authority to demand of the aforesaid Boards, or their Treasurers, the payment as aforesaid, and in case of refusal, shall have power to sue for the money in the Circuit Court; the County Court shall have power to allow the Clerk a reasonable compensation for the duties herein imposed upon him as Treasurer of the Internal Improvement Fund of the county of Ballard.

How and for what purpose money to be used.

Approved, March 3, 1842.

CHAPTER 419.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury, to the several persons entitled to the same, viz:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

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2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session.

3. To the Sergeants of the Senate and House of Representatives, twenty-eight dollars per week, each, during the present session.

4. To the Clerks of the Senate and House of Representatives, sixty dollars, each, for six days' services after the close of the session, in preparing the acts for publication, and arranging the books and papers.

5. To the Doorkeepers of the Senate and House of Representatives, twenty-eight dollars per week, each, during the present session.

6. To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day, each, during the present session.

7. To Joseph Gray, one dollar per day during the present session, for the services of his son, James Gray.

8. To Albert G. Hodges, as per bill rendered, for printing executed as Public Printer, three thousand eight hundred and seventy seven dollars and eighty eight cents.

9. To Albert G. Hodges, Public Printer, in advance, the sum of three thousand dollars, for public printing to be done by him during the year one thousand eight hundred and forty-two.

10. *Be it further enacted*, That the Second Auditor of Public Accounts shall be, and he is hereby, authorized and directed to settle with A. G. Hodges for printing executed during the present session of 1841-2, and not included in his bill rendered, and issue his warrant upon the Treasury for such sum as may be due said Hodges on such settlement.

11. To James Stonestreet, Clerk of the Senate, for making an index to the Journal of the Senate for the present session, one hundred dollars.

12. To the Public Printer, for making an index to the Journal of the House for the present session, one hundred dollars.

13. To Adam C. Keenon, and Charles H. Julian, for binding two thousand two hundred copies of the Acts of the General Assembly, so much as will amount to fifty cents a volume, and fifty cents for each volume of the Journals, and the same for each volume of the Reports, or Legislative Documents, of the two Houses of the present General Assembly of the Commonwealth, one-half of which to be paid in advance, and the balance upon their producing to the Auditor of Public Accounts a certificate of the Secretary of State, showing the delivery of the Acts, Journals, [and Reports] and Legislative Documents aforesaid, in his office: *Provided, however*, that if the full number of copies authorized to be bound shall not be so delivered, a deduction shall be made at the rate of fifty cents for each copy of the Acts, Journals, Reports or Legislative Documents, that are not bound by them.

14. To the members of the Joint Committee appointed to

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visit and examine Transylvania University, and Lunatic Asylum, at Lexington, viz: Allen T. Noe nine dollars, William F. Bullock eight dollars, George W. Craddock and John Fible six dollars each, Samuel B. Jesup eight dollars, and William R. Griffith seven dollars.

15. To the members of the Joint Committee on Banks, viz: John Speed Smith eighty-one dollars and seventy-five cents, he having paid the expenses of the balance of the Committee at Louisville, R. M. Johnson ten dollars and fifty cents, William C. Marshall twenty-one dollars, Francis T. Chambers twenty-one dollars, John S. Morgan twenty-one dollars, and Henry Pirtle fourteen dollars and fifty cents.

16. To the Kentucky Penitentiary, as per bill rendered, (No. 1,) nine hundred and fifty-six dollars and eleven cents.

17. To Charles H. Julian, eighteen dollars and fifty cents, as per bill rendered, (No. 2.)

18. To Charles H. Julian, three hundred and twenty dollars and sixty-six cents, as per bill rendered, (No. 3.)

19. To A. C. Keenon, two hundred and forty dollars and eighty-seven and a half cents, as per bill rendered, (No. 4.)

20. To the publishers of "The Commonwealth," "Yeoman," and "Kentucky Farmer," fifty dollars each.

21. To the Second Auditor of Public Accounts, for Clerk hire for the year ending the twenty-seventh day of February, eighteen hundred and forty-three, one thousand dollars, subject to the approval of the Governor, he being satisfied that the services are actually rendered.

22. To Richard Long, one hundred dollars as Deputy Register.

23. To Tolle and Bohannon, as per bill rendered, (No. 5,) for work done on tables, one hundred and eighteen dollars and fifty cents.

24. To A. S. Parker, five hundred and eighty-two dollars and twenty cents, for carpet and other articles furnished State House, (No. 6.)

25. To Michael Barstow, as per bill rendered, (No. 7,) sixty-nine dollars and sixty-two cents.

26. To James Davidson, as per bill rendered, (No. 8,) eighty-seven dollars and sixty-two cents.

27. To R. Knott & Co., as per bill rendered, (No. 9,) seven dollars.

28. To O. & I. Belt, as per bill rendered, (No. 10,) thirty-three dollars and seventy-five cents.

29. To J. L. Moore, as per bill rendered, (No. 11,) nineteen dollars and sixteen and one-fourth cents.

30. To John Swingle, as per bill rendered, (No. 12,) for wood, one hundred and seventy-two dollars.

31. To John D. Rake, as per bill rendered, (No. 13,) forty dollars and fifty cents.

32. To William M. Todd, as per bill rendered, (No. 14,) for stationery, one hundred and two dollars.

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33. To William M. Todd, per bill rendered, for same, (No. 15,) seven dollars and fifty cents.

34. To same, as per bill rendered, for same, (No. 16,) two hundred and fourteen dollars and thirty-seven and one-half cents.

35. To William Henry Harrison Hardin, as per bill rendered, for painting, (No. 16,) sixty dollars.

36. To James S. Evans, as per bill rendered, (No. 17,) fifty dollars.

37. To George W. Gwin & Co., per bill rendered, (No. 18,) sixteen dollars and sixty-two cents.

38. To John Mayhall, Sergeant of the Senate, per account rendered, (No. 19,) four dollars and eighty-two cents.

39. To Joseph Gray, Sergeant of the House of Representatives, for his services rendered in serving the writ of election to fill the vacancy, in this House, occasioned by the resignation of John Calhoun, (No. 20,) twelve dollars.

40. To John Mayhall, Sergeant of the Senate, (No. 21,) for serving a writ of election in the second Senatorial district, seventy-four dollars and sixty-two cents.

41. To the Baptist Church in Frankfort, for the use of their bell during the present session, ten dollars.

42. To the Lunatic Asylum, for the support &c. of that institution for the year eighteen hundred and forty-two, the sum of sixteen thousand dollars.

43. To George A. Robertson, for his salary as Public Librarian, four hundred dollars.

44. To George W. Gwin & Co., as per bill rendered, (No. 22,) thirty eight cents.

45. To the Doorkeepers of the Senate and House of Representatives, six dollars per week, each, for furnishing water, making fires, and other services not incumbent on them to perform as Doorkeepers.

46. To Cogle & Gray, as per bill rendered, (No. 23,) thirty-seven cents.

47. To James Coleman, as Clerk in the office of Secretary of State, eighty-four dollars per month during the present year, to be paid monthly.

48. To Lockwood & Mills, per bill rendered, two dollars and eighty-one cents.

49. To William M. Todd, per bill rendered, for stationery furnished the Board of Internal Improvement, one hundred and twenty-one dollars and forty-three cents.

50. To Charles H. Julian, per bill rendered, for stationery furnished the Board of Internal Improvement, sixty-nine dollars and twenty-five cents.

51. To Henry Morton and Henry Clark, waiters to the Senate and House of Representatives, ten dollars each.

52. To the Commissioners of the Lunatic Asylum, for their services, one hundred dollars each.

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53. To the Trustees of the Cumberland Hospital, for the present year, fifteen hundred dollars.

54. That it shall hereafter be the duty of the Treasurer of this State to procure, on the best terms practicable, such quantities of stationery as may be necessary for the use of the General Assembly; and the Second Auditor of Public Accounts is hereby directed to issue warrants on the Treasury for such sums of money as the said Treasurer may, from time to time, require under the provisions of this act. And that it shall be the duty of the Treasurer, at the annual meetings of Assembly, to report the amount of money which he has expended under the provisions of this act, as well as a bill of the articles purchased.

55. To James Davidson, for counterfeit money received by him as Treasurer, twenty-three dollars.

56. To James Coleman, jr., in full for his services in the office of the Secretary of State up to this time, two hundred and fifty dollars.

57. To John T. Pendleton, for making out tables for Bank Committee in 1840, twenty dollars.

58. To Samuel Daviess, one of the Board of Internal Improvement, for his pay from eighteenth February, to third March, eighteen hundred and forty-two, (thirteen days,) thirty nine dollars, and expenses thirteen dollars.

59. To Peter Dudley, one of the Board of Internal Improvement, for thirteen days service same as above, thirty-nine dollars.

60. To Thomas Metcalfe, President of the Board of Internal Improvement, for thirteen days service, and expenses during said time, fifty-two dollars.

Approved, March 3, 1842.

CHAPTER 420.

AN ACT to amend the law concerning depositions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when a notice of the time and place of the taking of any deposition, to be read in any action or suit, shall be necessary, and the party to whom said notice should be given is an inhabitant of this State, but has no known place of residence in the county where such suit or action shall be pending, and the Sheriff, or Deputy Sheriff, shall so make return on a written notice placed in his hands, and that he or she cannot be found, then if the party who wishes to take said deposition, or his or her agent, or attorney, shall file an affidavit with the Clerk of the court, that he or she does not know of any fixed residence of the party to whom notice should be given, it shall be lawful to give such notice to the attorney or agent of the party, and if there be no attorney or agent of the party, in the county where the suit or action is pending, then to file a notice in the papers of the

Concerning
notice.

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cause, and place the same on the court house and clerk's office doors; and such filing of the notice, and advertising, shall, at the expiration of ten days, be deemed a notice executed.

Approved, March 3, 1842.

CHAPTER 421.

AN ACT to amend the laws exempting certain property from execution.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the property now exempt from execution, there shall also be exempted from execution, distress, or attachment for rent, or fee bills, the following property to-wit: one saddle, and its appendages; one bridle; six chairs, not exceeding in value eight dollars; one bedstead; turkeys, geese, ducks and chickens of their own rearing, or purchased for family use; and so much wood or stone coal, laid in for family consumption as fuel, as will be sufficient for six months use, to be ascertained in the manner prescribed in regard to provisions, by the second section of the act, entitled, "an act to amend the execution laws of this Commonwealth, and for other purposes," approved February 19, 1840; and said property shall not be considered as assets in the hands of the executor or administrator, but shall be reserved to the widow of the decedent, and her infant children, (if any): *Provided*, that this act shall not extend to any but actual *bona fide* housekeepers, with a family, and that the property aforesaid shall remain subject to the payment of the revenue tax and county levy as heretofore: *Provided, also*, that this act shall not operate on existing contracts.

SEC. 2. *Be it further enacted*, That there is, and shall be, exempt from execution, one cow and calf, one bed and bedding, and five head of sheep, in addition to the articles of property now exempt from execution by the existing laws.

Approved, March 3, 1842.

CHAPTER 422.

AN ACT supplemental to the act establishing the county of Letcher, and regulating the terms of the Perry Circuit Court, and to establish an election precinct in McCracken county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Circuit Court of Letcher county shall commence on the second Mondays of March, June, and September, and continue two juridical days, if the business thereof shall require it; and the County Courts thereof, shall commence its terms the second Mondays of those months in which the said Circuit Court is not required to hold its terms; and the Perry Circuit Court shall hereafter com-

mence its terms on the Thursdays next succeeding the second Mondays of March, June, and September, and continue three juridical days, if the business thereof shall require it.

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SEC. 2. That there be established an election precinct in the county of McCracken, to be called the Exchange precinct, the elections to be held at the house of C. B. Davidson.

Approved, March 3, 1842.

CHAPTER 423.

AN ACT further to define the crime of Arson by a slave.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any slave shall intentionally, and unlawfully burn any court house, or county or public prison, or the office of the Clerk of any court within this Commonwealth, or the Capitol of this Commonwealth, or any public office belonging to this Commonwealth, or the office of any county Surveyor of this Commonwealth, or any public office belonging to any county in this Commonwealth, or any tobacco house, ware house, stables in which horses are kept, or in a town, or any store house, or any house or place where wheat, indian corn, or other grain shall be kept, or any mill, factory, or distillery, or any shed attached to or connected with any manufacturing establishment, or any house of public worship, or shall comfort, aid, abet, assist, counsel, hire, or command any person or persons to commit any of the said offences, such slave being thereof convicted shall suffer death.

Approved, March 3, 1842.

CHAPTER 424.

AN ACT to amend an act, entitled, an act to change the time of holding the Circuit Courts in the sixteenth Judicial District.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Circuit Court for the county of Graves shall hereafter commence on the first Mondays in May, August, and November, and continue nine juridical days at each term, if the business of the court shall require it.

SEC. 2. That the Circuit Court for the county of Calloway shall hereafter commence on Thursday succeeding the second Monday in May, August, and November, and continue nine juridical days, if the business of the court shall require it.

Approved, March 3, 1842.

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CHAPTER 427.

AN ACT authorizing the exchange of thirty years State Bonds for six years State Bonds.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Governor to issue the Bonds of this Commonwealth, payable in not less than thirty years, and at an interest not exceeding six per centum per annum, payable semi-annually in the City of New York, in exchange for six years Bonds of this State: *Provided*, that no Bond hereby authorized to be issued shall be of a less denomination than one thousand dollars: *and provided, also*, that the terms of exchange shall be equitable and just, and according to the discretion of the Governor: *Provided*, that the Governor shall not give more than dollar for dollar.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Secretary of State to keep a record showing the number, date, and payee of every six years Bond which may be redeemed under the provisions of the first section of this act, and also the date, number, and payee of every Bond given in lieu thereof, and make report thereof during the first two weeks of each session of the General Assembly.

Approved, March 3, 1842.

CHAPTER 428.

AN ACT to amend the law providing compensation for Commissioners of Tax.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter it shall be the duty of the several County Courts in this Commonwealth, in making allowances to Commissioners of taxable property, to be governed by the number of lists taken and returned by such Commissioner, which in no case shall exceed the sum of eight cents for each list taken in by such Commissioner, which allowance shall be certified to the Second Auditor in the same manner that allowances are now made by law.

SEC. 2. *Be it further enacted*, That there shall be a deduction of fifty cents per list for each list any Commissioner shall fail to report; and for the purpose of giving the necessary time for the examination of the Commissioners returns, twenty per cent. of the amount allowed for their services shall be retained until the court of claims, on or before which time the Sheriff shall report, (on oath,) to the County Court, a list of all persons, with their taxable property, that the Commissioners may have failed to return, then, the amount retained, or such balance as may be due, shall be certified for payment as aforesaid.

Approved, March 3, 1842.

CHAPTER 430.

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AN ACT to provide for the payment of the debt already due to Contractors on the Public Works, and for the further prosecution of the system of Internal Improvement in the State of Kentucky.

WHEREAS, The State of Kentucky has been engaged in a general system of Internal Improvement, in the prosecution of which, a considerable debt has already accrued to individuals executing the work: And, whereas, the soundest dictates of discretion and economy, as well as the preservation of the public faith, demand that further appropriations be made to prosecute certain of said works to completion, and to advance others during the year 1842. Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the unexpended balances appropriated by law, approved 18th February, 1841, entitled "an act to amend the several acts providing for the Internal Improvement in the State of Kentucky," there is hereby appropriated the further sum of four hundred and twenty thousand dollars for the year 1842.

Sum appropriated.

SEC. 2. *Be it further enacted,* That of the \$420,000 herein appropriated, the following sums shall be applied to the payment of money due to Contractors for work already done, as follows, to-wit: On the Owingsville and Big Sandy Turnpike road, nine thousand dollars; on the Maysville and Bracken Turnpike road, six thousand dollars; on the Maysville and Mountsterling road, six thousand dollars; on the Georgetown and Williamstown road, thirty eight thousand eight hundred dollars; on the Williamstown and Covington road, fifteen thousand dollars; on the Richmond and Lexington road, three thousand three hundred and thirty seven dollars; on the Lexington, Harrodsburg, and Perryville road, eleven thousand dollars; on the Bardstown and Glasgow road, twenty two thousand dollars; on the Glasgow and Scottsville road, ten thousand five hundred dollars; on the Louisville and Elizabethtown road, twenty six thousand dollars; on the Elizabethtown and Bell's Tavern road, seventeen thousand dollars; on the Bell's Tavern and Bowlinggreen road, nineteen thousand dollars; on the road from Bowlinggreen to the Tennessee line, five thousand two hundred dollars; and on the Logan, Todd, and Christian road, fifty thousand dollars; and of the remainder of the \$420,000, the sum of forty thousand dollars shall be expended on the Green and Barren river navigation; forty two thousand dollars on the Kentucky river navigation; sixty thousand dollars on the Licking river navigation, to complete the locks and abutments on said river, from No. 1 to No. 5 inclusive; and the balance of the \$420,000 before mentioned, shall be expended in the completion of existing contracts on Turnpike roads.

Amount to different works.

SEC. 3. *Be it further enacted,* That to provide the means necessary to meet the foregoing appropriations, the Governor of this Commonwealth be, and he is hereby, authorized, to sell the bonds or scrip of the State, in the United States, or

State bonds authorized to be sold.

1842

elsewhere, to the aforesaid amount of four hundred and twenty thousand dollars, in sums of not less than one thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, at any place within the United States, redeemable at any time after thirty years, and at not less than par value, in Kentucky currency: *Provided, however*, that it shall not be lawful for the Governor to sell any amount of bonds or scrip authorized to be sold by this act, beyond the resources of the Sinking Fund to meet the interest thereon.

Contractors
may be paid in
bonds.

SEC. 4. *Be it further enacted*, That should any Contractor, for work in this Commonwealth, by a writing under his hand, executed to the Board of Internal Improvement, elect to accept as payment, or part payment, of his dues from this Commonwealth, any of the bonds or scrip of the State, authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place said bond or bonds in the Treasury; and upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor in favor of such Contractor, it shall be the duty of the Treasurer to pay out the same, which shall be received by said Contractor, and charged to said Board as so much money, and the same shall be considered as constituting a legal sale of said bonds to said Contractors.

Bonds may
be deposited in
Bank.

SEC. 5. *Be it further enacted*, That should the Governor fail to sell the bonds of the State, as directed in the foregoing section of this act, or should the Contractors refuse to receive them, then, at any time after the passage of this act, it shall be lawful for the Governor to issue said bonds, from time to time, and in such numbers as may be necessary to meet the expenditures on the public works, and deposit the same in such Banks, or Branches of Banks, in this State, as he may elect for the purpose.

And Bank
checks issued
thereon.

SEC. 6. *Be it further enacted*, That with the Bank, or Banks, where such deposits are made, it shall be lawful for the Governor to negotiate for the preparation and issue of checks, or certificates of deposit, of the denomination of from four to ten dollars inclusive, and of the denominations of fifteen and twenty dollars; these checks shall be signed by the President and countersigned by the Cashier of said Bank, and shall be drawn, payable in bonds of the State of Kentucky, whenever the sum of one thousand dollars shall be presented, and shall bear interest at the rate of six per cent. per annum, from the date of their issue, and shall be paid out at the counter of said Bank, upon the check of the Treasurer, for the purposes heretofore recited in this act.

Bonds deposited,
to be placed to the credit
of the Treasurer, who may
check on the
Bank.

SEC. 7. *Be it further enacted*, That the bonds thus deposited, from time to time, shall be placed to the credit of the Treasurer, who, upon the requisition of the Board of Internal Improvement, and the warrant of the Auditor, shall give his check on such Bank, or Branch Bank, to the amount thereof, to be paid in said certificates of deposit, and charge the same to the Internal Improvement Fund.

SEC. 8. *Be it further enacted*, That the expense of preparing and issuing said checks, or certificates of deposit, upon the presentation of the account, approved by the Governor, shall be paid out of the Treasury, and charged to the Internal Improvement Fund.

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Expense of
checks to be
paid.

SEC. 9. *Be it further enacted*, That if any person or persons, shall alter, forge, or counterfeit, any of the checks, or certificates of deposit, authorized to be issued by this act, or shall erase or alter the same, or shall tender in payment, alter, vend, exchange, or barter any such forged or counterfeited check or certificate of deposit, or any such erased, or altered check or certificate of deposit, knowing it to be such, or shall, knowingly, demand to have the same exchanged for State bonds, with intention to defraud, he, she or they, for the commission of any of said offences, shall be liable to indictment by a grand jury, and upon conviction thereof, shall undergo a confinement in the Jail and Penitentiary of this Commonwealth, for any period not less than two years nor more than ten years.

Penalty for
forging & coun-
terfeiting ch'ks.

SEC. 10. *Be it further enacted*, That the Lexington and Ohio Railroad, recently purchased by the State, shall be under the control and management of the Board of Internal Improvement, who shall continue to use the same, by transporting persons and freight thereon, and for that purpose may employ such officers, agents, and servants, as are necessary. The said Board shall forthwith cause the said road to be thoroughly repaired and extended to the Western terminus of Market street in Frankfort, on the Kentucky river; they may sell and convey any real estate or personal property acquired by the State with such road, upon such terms, as to time and price, as they may think best, and shall apply the proceeds of sale to the repair of the road, taking care not to sell any required for the uses and purposes of the road, or any that has been sold or conveyed by said Company.

Lex. & Ohio
Railroad plac-
ed under the
control of B. I.
Imp.

Road to be
repaired & ex-
tended.

Certain prop-
erty may be
sold.

SEC. 11. *Be it further enacted*, That in order to insure the repair and extension of said road, the Governor is hereby authorized and requested to cause to be issued, bonds of the State in the usual form, of the denomination of one thousand dollars, bearing an interest at the rate of six per centum per annum, to an amount not exceeding one hundred thousand dollars, redeemable at the end of six years, to pay for said work, and to purchase materials, cars, &c. for said road: *Provided, however*, that it shall be lawful for the Governor to deposit the said bonds in any Bank, or Branch Bank in the State, and authorize the issue of certificates of deposit by said Bank or Branch Bank, to be signed by the President, and countersigned by the Cashier thereof, of denominations which shall be deemed by the Governor most advisable, and not less than five dollars, bearing an interest of six per cent. per annum, from the date of issue; and said certificates shall express on their face, that they are payable in the bonds of the State, and that they will be received at par in payment of transpor-

State bonds
may be issued,
to pay repair of
road.

Bonds may
be deposited in
Banks, & cer-
tificates of de-
posit issued.

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Proviso.

tation of freight and passengers on said Railroad; and the holders of such certificates, upon depositing one thousand dollars thereof, with such Bank, shall be entitled to receive in exchange therefor, a bond for a similar amount deposited as aforesaid; and said certificates of deposit shall be paid out to Contractors at their par value, for the repair of said road, upon the proper check of the Treasurer in favor of said Contractors: *Provided, also*, that the Governor shall not be required to issue said bonds for the repair of said road, until he shall receive proposals for the lease thereof; and such of the real estate as may be deemed necessary to keep for the use thereof, at an annual rent of not less than twenty thousand dollars per annum, payable semi-annually, and for a period not less than seven years; and in the event of his receiving such proposal, and the lessee or lessees, entering into bond with good security, to be approved of by him; then and in that case, he is hereby authorized and required to lease the same upon the terms aforesaid, and shall issue the bonds authorized by this section, and the Board of Internal Improvement shall forthwith cause said road to be repaired.

Bonds with-
drawn, to be
cancelled.

SEC. 12. That it shall be the duty of the Board of Internal Improvement, on the first day of January, eighteen hundred and forty three, and on the 1st day of January in each year thereafter, to have all the said bonds which may have come into the possession of the Board, as profits on the road, to be cancelled in presence of the Governor, and first and second Auditors; and the Board shall continue to cancel said bonds annually, as aforesaid, until the whole amount shall be cancelled; and the Auditor shall report to the Legislature then in session, the amount so cancelled, being the profits of the road.

Profits, how
applied.

SEC. 13. That after the redemption of the bonds as aforesaid, the profits of the road shall go into the Treasury, and be applied to the support of the Sinking Fund.

Rates &c. to
be fixed by the
Board.

SEC. 14. That the Board of Internal Improvement shall fix, from time to time, the rates of transportation; but they shall, in no event, exceed those heretofore allowed by their charter, to the Lexington and Ohio Railroad Company; nor shall they reduce the same during the continuance of the lease. The same penalties shall be incurred for injuries done to the said road, or for riding on the embankments thereof, and recoverable in the same manner as are prescribed by the charter of the said Lexington and Ohio Railroad Company.

Penalty for
injuries done to
the road.

Officers, &c.
to give bond.

SEC. 15. That the Board of Internal Improvement shall take from all the necessary officers and agents employed in the superintendence of said road, bonds with approved security, payable to the Commonwealth, conditioned for the faithful performance of the duties imposed upon them respectively, and shall have power, from time to time, to dismiss all such officers and agents whenever the public interests require it, and to make such rules and regulations, from time to time, as

May be dis-
missed.

they may deem necessary for the government of the affairs of said Company.

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SEC. 16. That if the Board shall deem it to be to the interest of the State to lease out the Portland division for a term of years, not exceeding three years at any one time, they are authorized and empowered to do so, on the best terms and for the best price they can get, and to appropriate the proceeds of said division of the road to the extension thereof, to the lower ferry landing in Portland.

Authority to lease & extend Portland division.

SEC. 17. *Be it further enacted*, That the further time of ten years is hereby given, for the completion of said road from the town of Frankfort to the city of Louisville.

Further time to complete the road.

SEC. 18. *Be it further enacted*, That the lessees shall be required to keep the Railroad in good repair, the natural decay and wear excepted, and at the expiration of the lease, the said lessees shall return all the said Railroad, cars, and other machinery, in good repair, or be responsible for all the repairs that the State may have to make, in consequence of the condition that the cars and machinery may be in, on delivery of the same at the expiration of said term.

Lessees to keep the road in repair.

SEC. 19. *Be it further enacted*, That the Board may, if deemed advisable, take up and re-locate said road through any other streets in Portland to the river.

Road may be re-located.

SEC. 20. *Be it further enacted*, That the further sum of eight thousand eight hundred dollars be, and is hereby, appropriated for the payment of work already done on the Turnpike road from Bowlinggreen to the Tennessee State line, to be applied as the five thousand dollars herein before appropriated, is directed to be applied.

Appropriation to road from Bowlinggr'n to Tenn. line.

Approved, March 3, 1842.

LAWS OF KENTUCKY.

Passed at December Session, 1841.

ROBERT P. LETCHER, GOVERNOR; MANLIUS V. THOMSON, LIEUT.
GOVERNOR AND SPEAKER OF THE SENATE; C. S. MOREHEAD,
SPEAKER OF THE HOUSE OF REPRESENTATIVES; JAMES HARLAN,
SECRETARY OF STATE.

LOCAL AND PRIVATE LAWS.

CHAPTER 2.

AN ACT for the benefit of Isaac W. Walker, and others.

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WHEREAS, Isaac W. Walker did, on the 5th day February, 1819, with Abraham Kirtley, H. Jones, Joseph Barnett, J. Phelps, and Thomas C. Howard, his securities, execute a bond to the State for the return of fifty stand of muskets and accoutrements, and satisfactory evidence being produced that said Walker and his securities should be released from the said bond—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above mentioned bond shall be void and of no effect.

C. S. MOREHEAD,
Speaker of the House of Representatives.
MANLIUS V. THOMSON,
Speaker of the Senate.

Approved, January 8, 1842.

R. P. LETCHER.

By the Governor,

JAMES HARLAN,
Secretary of State.

CHAPTER 3.

AN ACT for the benefit of William Stanhope.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That nothing contained in an act, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts establishing a permanent revenue, shall be so construed as to prevent William Stanhope from holding

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the office of Deputy Sheriff of Fayette county from and after the passage of this act.

Approved, January 8, 1842.

CHAPTER 4.

AN ACT to allow additional Justices of the Peace to Wayne and Owen counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Wayne one additional Justice of the Peace.

SEC. 2. *Be it further enacted*, That one additional Justice of the Peace be allowed to the county of Owen.

Approved, January 8, 1842.

CHAPTER 5.

AN ACT to change the place of voting in the Panther Precinct, in the county of Hancock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all elections hereafter at the Panther Creek Precinct, in the county of Hancock, shall be held at the place where John Lyon now resides, instead of the place where Thomas Voiles did live, as heretofore directed by law, any law to the contrary notwithstanding.

Approved, January 14, 1842.

CHAPTER 6.

AN ACT for the benefit of John M. Baker, Surveyor of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John M. Baker, Surveyor of Cumberland county, be allowed until the first day of August next to renew his official bond, as Surveyor aforesaid, it being represented to this General Assembly that said Baker failed to renew his official bond in the year 1840, as prescribed by law; which bond the County Court are hereby authorized and required to take from said Baker, in an adequate penalty, and with sufficient security, on his application to said court for that purpose; and when so taken, said bond shall be deemed a compliance with the act of Assembly which required said Baker to renew his bond in the year 1840.

Approved, January 14, 1842.

CHAPTER 8.

1842

AN ACT for the benefit of George E. Blackburn.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all claim which this Commonwealth may have on so much of a tract of land, purchased by the Lexington and Ohio Railroad Company from ——— Ducker, in the county of Woodford, as has been sold by said company to George E. Blackburn, be, and the same is hereby, released to said Blackburn, his heirs and assigns forever, the mortgage from said company to this Commonwealth notwithstanding.

Approved, January 15, 1842.

CHAPTER 9.

AN ACT for the benefit of Alfred Tarlton, and his securities.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Alfred Tarlton, Richard Phillips, and John B. Cocke, be, and they are hereby, wholly discharged and released from the penalties of a bond given to the Commonwealth by said Tarlton, as principal, and said Phillips and Cocke and Stephen Ormsby as securities, dated the 26th of March, 1835, for sixty brace of pistols and sixty swords; and that said Richard Phillips, be, and he is hereby, discharged from the payment of a judgment of the General Court rendered on said bond.

SEC. 2. *Be it further enacted,* That said Alfred Tarlton, George W. Young, and Jefferson Overstreet, be, and they are hereby, wholly discharged and released from all the penalties of a bond given to the Commonwealth by said Tarlton, as principal, and said Young and Overstreet, as his securities, for sixty stand of muskets and accoutrements.

Approved, January 15, 1842.

CHAPTER 11.

AN ACT act for the benefit of James W. Porter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Bath county, (a majority of all the Justices of said court being present,) shall have the power, and are hereby fully authorized, to appoint James W. Porter a Constable of said county, for the Owingsville district, in the same manner that other Constables are appointed, by law, in this Commonwealth, and the bond executed by the said James W. Porter, and his securities, shall be as binding, in law, as if the said James W. Porter was twenty one years of age; this act shall be in force from and after its passage.

Approved, January 18, 1842.

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CHAPTER 12.

AN ACT to reduce the number of Justices of the Peace in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Greenup county shall not hereafter recommend or nominate any person for the office of Justice of the Peace, nor shall any person be commissioned as such, until the number in commission shall be reduced to thirteen, which shall be the whole number of the Justices of the Peace in said county thereafter.

Approved, January 18, 1842.

CHAPTER 13.

AN ACT for the benefit of the late Sheriff of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year, from and after the passage of this act, be allowed to Charles Hays, late Sheriff of Pulaski county, to collect all taxes, arrearages of taxes, fee bills, and muster fines, which remained in his hands, or in the hands of his deputies for collection, at the time of the expiration of his office; and that he shall have full power to distrain for the same.

Approved, January 18, 1842.

CHAPTER 14.

AN ACT for the benefit of Richwood Presbyterian Church.

WHEREAS, it appears to this Legislature that, by virtue of the act of 1819, John P. Gaines conveyed to the County Court of Boone two acres of land for school purposes, but the Trustees of said school having selected a different site—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Boone county is hereby authorized and required to appoint a Commissioner, whose duty it shall be to convey, by deed, all the right and title which the County Court now holds in and to the aforesaid two acres of land to the Trustees of the Richwood Presbyterian Church, and their successors in office, forever; the deed to be acknowledged and recorded as other deeds.

Approved, January 18, 1842.

CHAPTER 16.

AN ACT allowing an additional Justice of the Peace and Constable to the county of Bath, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be allowed to the county of Bath one additional Justice of the Peace.

SEC. 2. *Be it further enacted*, That there shall be allowed to the county of Bath one additional Constable, to reside in the town of Sharpsburg.

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SEC. 3. That one additional Justice of the Peace be allowed to the county of Mercer, and one to the county of Lincoln.

Approved, January 18, 1842.

CHAPTER 17.

AN ACT for the benefit of Nancy Sears.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Circuit Court of Allen county to cause a jury to be impannelled to enquire whether Nancy Sears be an idiot or a lunatic; and when the verdict of the jury is returned, to make such orders as may be appropriate to the case, and proper under the existing laws.

Approved, January 18, 1842.

CHAPTER 18.

AN ACT to legalize the proceedings of the Trustees of the town of Poplar Plains in the county of Fleming.

WHEREAS, it appears that the citizens of the town of Poplar Plains failed to elect Trustees for said town on the second Saturday in March, eighteen hundred and forty one, as required by the law incorporating said town; and that the Trustees who were elected in eighteen hundred and forty have continued to discharge the duties required by the act of incorporation up to this time—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acts and proceedings of the said Trustees, so far as they have been in conformity to the act incorporating said town, or the laws of the Commonwealth, shall be as legal and effectual as if the said Trustees had been duly elected on the second Saturday in March, eighteen hundred and forty one; and the said Trustees, elected in eighteen hundred and forty, are hereby continued in their appointments, and required to discharge the duties of Trustees of said town until the second Saturday in March next.

Approved, January 18, 1842.

CHAPTER 19.

AN ACT for the divorce and change of name of Elizabeth Ware.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing

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between Elizabeth Ware and her husband James Ware, be, and the same is hereby, forever dissolved, so far as it relates to the said Elizabeth, who is hereby restored to all the rights and privileges of an unmarried woman, and to her former name of Elizabeth Sandusky.

Approved, January 18, 1842.

CHAPTER 20.

AN ACT to legalize the elections of certain School Districts, in Caldwell county.

WHEREAS, it is represented to the General Assembly, that at elections held in certain School Districts, in Caldwell county, viz: in District No. 28, on the 19th day of August, 1841, and in District No. 23, on the 15th day of the same month, to ascertain whether the people of said Districts would adopt the Common School System as enacted by the Legislature; and that said elections were illegal in consequence of the absence of two of the Commissioners appointed to superintend said elections—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the elections, held at the times and places as recited in the foregoing preamble, are hereby declared legal and binding in law.

Approved, January 18, 1842.

CHAPTER 21.

AN ACT for the benefit of Samuel D. Hawke, and others.

WHEREAS, it is represented to this General Assembly, that a suit has been brought by the Commonwealth of Kentucky in the General Court, and judgment obtained against Samuel D. Hawke, as principal, and William Johnson, and others, as his securities, on a bond executed to said Commonwealth for the safe keeping and return of a stand of public arms; and it further appearing that since the rendition of said judgment all the said arms for which said bond was given, (except one,) have been returned to the State Arsenal—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Hawke and his said securities, be, and they are hereby, released from all responsibility by reason of said judgment against them in favor of said Commonwealth.

Approved, January 18, 1842,

CHAPTER 22.

AN ACT to change the place of voting in the Westport Precinct in Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Westport precinct,

in Oldham county, be changed from the house of William F. Stokes to the court house in said town.

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Approved, January 18, 1842.

CHAPTER 23.

AN ACT for the benefit of Polly Coffey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts, be, and he is hereby, directed to issue to Polly Coffey, committee for Elizabeth Coffey, who was found to be an idiot, a warrant on the Treasury of this State for the sum of twenty five dollars, for keeping the said Elizabeth Coffey from the 18th day of September, 1840, until the 18th day of March, 1841, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 18, 1842.

CHAPTER 24.

AN ACT for the benefit of Lois Smallwood.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts issue to Lois Smallwood, committee for Eunice Smith, a warrant on the public Treasury for the sum of fifty dollars, in consideration of services, rendered and expenses incurred by the said Lois Smallwood in boarding, lodging, and taking care of said Eunice Smith, a lunatic, from the 27th day of September, 1840, to the 27th day of September, 1841, it being one year, and that the Treasurer pay said sum out of any money in the Treasury not otherwise appropriated.

Approved, January 18, 1842.

CHAPTER 25.

AN ACT to establish an election precinct in the county of Morgan, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be established at the house of Henry Epperheart, in the county of Morgan.

SEC. 2. That an election precinct be, and is hereby, established at the store house of Col. N. S. Strange, in the county of Warren; and that the election precinct at Martinsville in said county, be, and the same is abolished.

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Sec. 3. That an election precinct be, and the same is hereby, established at the house of Colonel Henry Davis, in the county of Pike.

Approved, January 18, 1842.

CHAPTER 27.

AN ACT for the benefit of the heirs of Jesse Rubel, dec'd, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the heirs of Jesse Rubel, dec'd, together with the securities of said Rubel, are hereby released from all liability upon their bond, executed to the Quarter Master General for arms.

Approved, January 18, 1842.

CHAPTER 28.

AN ACT for the benefit of the Methodist Episcopal Church, in the town of Newport.

WHEREAS, the Trustees of the Methodist Episcopal Church in the town of Newport, in Campbell county, have purchased lot No. 129, and part of lot No. 128, in said town, with a Meeting House thereon, and have fitted up the same for the use of said church; and whereas, said Trustees are still indebted for the greater part of said purchase, and have requested this Legislature to pass an act authorising said Trustees to sell a part of the above lots, which are unimproved; and also, to sell their old church, with the ground occupied or attached to the same, in order to aid them in making up the deficiency in the aforesaid purchase—Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a majority of the Trustees of said church, for the time being, be, and they are hereby, vested with full power to sell and convey any of such real estates in the town aforesaid, for the aforesaid purposes, and to receive and receipt for all moneys which they may receive under said sales, and to appropriate the proceeds in any manner, as a majority of the present Trustees and their successors may direct.

Approved, January 18, 1842.

CHAPTER 31.

AN ACT to authorize the Trustees of Princeton Seminary to rent out the property.

WHEREAS, it is represented to the General Assembly, that the citizens composing the district in which Princeton, the

1842

county seat of Caldwell county, is situated, have adopted the Common School system as enacted by the Legislature, and have no house or building suitable, in said district, for educational purposes; and whereas, the seminary in said town, known by the name of the Princeton Seminary, will probably be vacant and unoccupied, and the Trustees of the same doubt their authority to rent or otherwise dispose of the same—Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Princeton Seminary be, and they are hereby, authorized, empowered, and required, from and after the passage of this act, to rent or lease, for any length of time, the building which has hitherto been used as such Seminary, to the Trustees of the Common School in said district, upon such terms as may be deemed equitable and right between the parties; and such rent to appropriate, first, to the improvement of said Seminary and the other property thereto attached, and afterwards, if there be any surplus, to distribute it *pro rata* among the several districts in said county, that may or have adopted the Common School system.

Approved, January 18, 1842.

CHAPTER 32.

AN ACT for the benefit of the Somerset Academy.

WHEREAS, It is represented to the General Assembly, that there still remains in the hands of Charles Hays, late Sheriff of Pulaski county, about one hundred and twenty six dollars, the balance of a forfeiture which was collected by said Sheriff, or his deputy, previous to the year 1838, and there being some doubt as to whom said money should be paid by said Sheriff—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Sheriff pay over to the Treasurer of the Somerset Academy, for the use of said Academy, all the balance of the forfeiture not heretofore paid over by him, which he collected from the securities of one Allen Rice on a forfeited recognizance, which recognizance and judgment of forfeiture is in the Pulaski Circuit Court; and on the failure of said Sheriff, to pay said money as herein directed, an action of debt on his official bond, in the name of the Trustees of the Somerset Academy, may be maintained against him and his securities, or against him alone, for the collection of said money, provided the same shall be actually owing by said Sheriff.

Approved, January 18, 1842.

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CHAPTER 33.

AN ACT for the benefit of the Clerk of the Whitley Circuit Court.

WHEREAS, It is represented to this General Assembly, that Gabriel L. Ballinger, Clerk of the Whitley Circuit Court, failed to renew his official bond at the time required by law—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Gabriel L. Ballinger to execute his bond as Clerk of said Court at the next March term thereof, and which, when executed, shall have the same force and effect as if it had been executed at the proper time.

Approved, January 18, 1842.

CHAPTER 34.

AN ACT for the benefit of Elizabeth Taylor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the County Court of Fleming County, (a majority of all the Justices in commission for said county being present,) to levy a sum which in their discretion may be sufficient for the support and maintenance of Elizabeth Taylor, an invalid pauper.

SEC. 2. *Be it further enacted,* That it shall be the duty of the said court to vest the money raised for such purpose in the hands of a Trustee for the use and benefit of said Taylor, who shall execute bond with approved security for a proper execution of said trust.

Approved, January 18, 1842.

CHAPTER 35.

AN ACT for the benefit of Matthew Cook.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Kenton County may, if they deem it right and proper, allow Matthew Cook, a meritorious soldier of the late war, who is now blind, and in indigent circumstances, any sum not exceeding seventy dollars, annually, for his support, so long as he remains a citizen thereof, to be paid out of their county levy.

Approved, January 18, 1842.

CHAPTER 37.

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AN ACT for the benefit of Harry I. Bodley and James C. Rodes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Fayette County, a majority of the Justices thereof being present, and concurring therein, be, and they are hereby, authorized to make such allowance, and grant such compensation, as in their opinion may be proper, to Harry I. Bodley, Clerk of the Circuit Court of Fayette, for making a general cross index to all the suits in the said Circuit Court from the year 1796 to the year 1841; and, also, to make such allowance, and grant such compensation, as in their opinion may be proper, to James C. Rodes, Clerk of the County Court of Fayette, for making a general cross index of all deeds, mortgages, &c. now of record in said court.

Approved, January 18, 1842.

CHAPTER 38.

AN ACT for the benefit of Mary Ann and Basil B. Mason.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Mary Ann Mason be, and she is hereby, divorced from her husband Basil B. Mason, and restored to all the rights and privileges of an unmarried woman.

SEC. 2. *Be it further enacted*, That Basil B. Mason be, and he is hereby, divorced from his wife Mary Ann Mason, and restored to all the rights and privileges of an unmarried man.

Approved, January 18, 1842.

CHAPTER 39.

AN ACT to establish an election precinct in the town of Steamport in the county of Henderson, and to change the place of voting in another.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct be, and the same is hereby, established at the house of John Agnew in the town of Steamport, in the county of Henderson.

SEC. 2. That from and after the passage of this act, the place of voting in the Bunkcomb precinct in said county shall be at the house of David Sights in said precinct, and all elections held at said precincts shall be governed by the laws, rules, and regulations, now in force relative to elections.

Approved, January 18, 1842.

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CHAPTER 40.

AN ACT to change the place of voting in the Big Hill precinct in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Big Hill precinct in Madison county be changed from the house of Absalom Adams to that of Silas Newland in said county.

Approved, January 18, 1842.

CHAPTER 41.

AN ACT for the benefit of David Mathis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasury in favor of David Mathis, for the sum of eight dollars and fifteen cents, being the amount of revenue tax improperly collected of him for the year 1839, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 18, 1842.

CHAPTER 42.

AN ACT for the benefit of Presley M. Hoskins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue his warrant on the Treasury in favor of Presley M. Hoskins, for the sum of thirty dollars, payable out of any money in the Treasury not otherwise appropriated, being a compensation for his services in pursuing and apprehending John White, on a charge of murder.

Approved, January 18, 1842.

CHAPTER 44.

AN ACT for the benefit of Henry Payne.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry Payne of Union county, for good cause shown, is hereby released, and forever discharged from the payment of a judgment in the name of the Commonwealth of Kentucky against him in the General Court for one hundred and thirty five dollars.

Approved, January 18, 1842.

CHAPTER 45.

1842

AN ACT for the benefit of the Trustees of the Methodist Episcopal Church in Lexington.

WHEREAS, it has been represented that the house of worship of the Methodist Episcopal Church in Lexington is too small for their present numbers, and, for their greater convenience, and accommodation, the members of said church, with other good citizens, have gone on to erect another building as a house of worship for said church, and that it is desirable that said church be enabled to sell and dispose of the first named building, which is erected upon a lot purchased of one William Emmons—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Methodist Episcopal Church, in Lexington, be authorized to sell and convey to any person, or persons, the lot in the City of Lexington conveyed to the then Trustees of said church by William Emmons, as appears by the deed recorded in the Clerk's office of the Fayette County Court; and the conveyance of said lot, with the buildings thereon erected by the present Trustees of said church, shall vest the complete title in the grantee.

Approved, January 18, 1842.

CHAPTER 47.

AN ACT for the benefit of Henry Crawford and others.

WHEREAS, Henry Crawford, with James L. Russell, William Bayne, and Blain W. Ballard, executed to the State of Kentucky a bond for the return of certain arms, upon which suit has been instituted, and a judgment recovered for the sum of one hundred and thirty five dollars thirty six cents, damages and costs, and satisfactory reasons appearing why said judgment should be remitted—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said judgment for damages shall be, and the same is hereby, remitted, and the said Henry Crawford, and his said securities, forever discharged therefrom.

Approved, January 18, 1842.

CHAPTER 48.

AN ACT to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver in Allen county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, "an act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver in Allen county," be so

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amended as to authorize the election of Trustees in and for said town, to commence on the second Monday in April next, and continue from day to day until an election is effected: *Provided*, that the polls are not kept open for a longer period than three days.

SEC. 2. *Be it further enacted*, That all subsequent elections of Trustees in said town shall be held on the second Monday in April in each year thereafter.

Approved, January 18, 1842.

CHAPTER 49.

AN ACT for the divorce of Susannah Barnett, and to change her name.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Susannah Barnett, and her husband Samuel Barnett, be, and the same is forever dissolved so far as relates to the said Susannah, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Susannah McBurnie.

Approved, January 18, 1842.

CHAPTER 50.

AN ACT changing the names of James Tapp and Jane Hays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Tapp, of Barren county, shall hereafter be called and known by the name of James H. Marshall; and that Jane Hays, of Barren county, shall be hereafter called and known by the name of Jane Dodd.

Approved, January 18, 1842.

CHAPTER 51.

AN ACT to amend the charter of the City of Maysville.

WHEREAS, the City of Maysville is indebted to Thomas C. Rockhill, in the sum of ten thousand dollars: and, whereas, the said City of Maysville is desirous of paying the said debt, and has petitioned the Legislature to amend their charter so as to enable them to levy a tax sufficient to pay the said debt in instalments of two thousand dollars per year, in pursuance of the proposition of the said Thomas C. Rockhill—
now,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the City Council for the City of Maysville, may, and they are hereby empowered, to levy

and collect a tax of twenty five cents upon each and every one hundred dollars worth of taxable property in the City of Maysville, yearly, and each year, until the said debt due to the said Thomas C. Rockhill is paid and discharged, in addition to the tax they are now permitted to levy.

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SEC. 2. It shall be the duty of the said City Council to appropriate the said tax, when collected, to the payment of the said debt to the said Thomas C. Rockhill, and to no other purpose; and it shall be their duty to keep the said fund separate and apart from the other revenues of the City, and to hold and appropriate the same to the purpose for which it is collected.

Duty of city council.

Approved, January 20, 1842.

CHAPTER 54.

AN ACT for the benefit of Susannah Watts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Susannah Watts, and her husband John C. Watts, is forever dissolved, so far as respects said Susannah, who is hereby restored to all the rights and privileges of an unmarried woman.

Approved, January 20, 1842.

CHAPTER 55.

AN ACT for the benefit of Charles P. Howard and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasurer in favor of Charles P. Howard, for the sum of forty three dollars; and a warrant on the Treasurer in favor of Ballard and Morton, for the sum of twenty eight dollars; and, also, a warrant on the Treasurer in favor of Thomas Payton, for the sum of ten dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 20, 1842.

CHAPTER 56.

AN ACT to change the place of voting in the Green Spring precinct in Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Green Spring precinct, in Green county, shall be at the house now oc-

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cupied by Obediah F. Mackoy, instead of the house occupied by George Elmore in said precinct.

Approved, January 20, 1842.

CHAPTER 57.

AN ACT for the benefit of Thomas Y. Johnson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasury of the State in favor of Thomas Y. Johnson, for the sum of one hundred and seventy five dollars, being a compensation for receiving Daniel A. Bropley in the State of New York, and conveying him to this State, charged with felony, under a requisition of the Governor of this Commonwealth.

Approved, January 21, 1842.

CHAPTER 58.

AN ACT for the benefit of the Second Presbyterian Church in Louisville.

Trustees may
sue for the pur-
chase money of
pews.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Willam W. Fry, Daniel Fetter, William H. Pope, Benoni G. Cutter, and James Lemon, the present Trustees of the Second Presbyterian Church in the city of Louisville, or the survivor or survivors of them, or their successors in office, to institute actions of debt in the Jefferson Circuit Court, (or before a Justice of the Peace, where the amount claimed is under fifty dollars,) against any person, or persons, their executors, administrators, or heirs, who may have purchased, or shall hereafter purchase, a pew, or pews, in said church, and who shall have failed, or shall hereafter fail, to pay for the same, or any part thereof, or shall have failed, or shall hereafter fail, to pay the annual tax, or any part thereof, imposed upon said pew or pews; and if it shall appear to the court, or Justice of the Peace, before whom the trial shall be had, that any arrear of taxes, or purchase money thereof, is due, the said court, or Justice of the Peace, may proceed to give judgment as in other cases.

May sue for
debts due them
and be sued.

SEC. 2. That the Trustees of said church shall hereafter have power, by the name of the Trustees of the Second Presbyterian Church in Louisville, to sue, in any of the courts of the Commonwealth, for any money that may be due, or shall hereafter become due, to said church and its appurtenances; and by that name they may also be sued, and service of process upon the Chairman of said Trustees shall be sufficient.

Sec. 3. *Be it further enacted,* That the Trustees of said church shall, within ten days after their election or appointment by the members of said church, hand to the Clerk of the County Court of Jefferson county, a certificate of their appointment as such, under the signature of their Chairman or Secretary, and said Clerk shall record the same in a book to be kept for that purpose, which shall be as often as the Trustees of said church are successively elected or appointed, at the costs of the Trustees, a copy of which shall be competent evidence, of their identity as Trustees, for and against them, before any tribunal in this Commonwealth.

Approved, January 21, 1842.

1842

Appointment
of trustees to
be recorded in
clerk's office.

CHAPTER 61.

AN ACT for the benefit of William W. Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William W. Bell to erect a fish dam on Salt river at the ripple above Greenwell's Ford on said river, not exceeding three feet high above low water mark: *Provided,* the Legislature of Kentucky shall at all times have power to repeal the law authorizing the building of said dam.

Approved, January 21, 1842.

CHAPTER 62.

AN ACT for the benefit of the Lexington Grenadiers.

WHEREAS, it is represented that the nucleus of a Military Company of Grenadiers, with expensive and imposing equipments, has been organized in the city of Lexington, and that the requisite numbers, to constitute such a company of the proper size and age, cannot be obtained within the Regimental bounds—therefore, to encourage a laudable spirit of improvement in the militia, and especially a species of troops efficient, whilst in actual service,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That officers may be commissioned for said company, of Lexington Grenadiers, as now organized, that it may be filled up to the number of sixty four, rank and file, parading members, from the military division including Lexington.

Approved, January 21, 1842.

1842

CHAPTER 65.

AN ACT for the benefit of Edward W. Dowden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby, directed to issue his warrant on the Treasury in favor of Edward W. Dowden, for the sum of one hundred and thirteen dollars and twenty five cents, to be paid out of any money in the Treasury not otherwise appropriated, which sum is here allowed him in full for his services and expenses in conveying the requisition of the Governor of this State upon the Governor of Ohio, for one Harrison Jeter, who stood charged in Fayette county with murder, and returning with said Jeter to this State.

Approved, January 21, 1842.

CHAPTER 66.

AN ACT for the benefit of the Sheriff of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Green county shall have until the first day of June, eighteen hundred and forty-two, to return his delinquent list for the year eighteen hundred and forty-one, to the Second Auditor of Public Accounts, and he is hereby directed to receive the said delinquent list as though it had been returned previous to the first Monday in February, as now required by law.

Approved, January 21, 1842.

CHAPTER 67.

AN ACT for the benefit of John Carlisle, late Sheriff of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Carlisle, late Sheriff of Campbell county, be, and he is hereby, released from the per centum recovered against him in the General Court, as damages, for failing to pay over the revenue of said county, for the year eighteen hundred and thirty-nine.

Approved, January 21, 1842.

CHAPTER 69.

AN ACT for the divorce of Lucinda Clore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Benjamin Clore and Lucinda Clore, his wife, be dissolved, so far as relates to the said Lucinda, and that she be

restored to all the rights and privileges of an unmarried woman, and to her maiden name of Lucinda Johnson.

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Approved, January 21, 1842.

CHAPTER 70.

AN ACT for the divorce of William M. Miller.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William M. Miller and Matilda Miller, be, and the same is, forever dissolved so far as relates to the said William M. Miller, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, January 21, 1842.

CHAPTER 71.

AN ACT for the divorce and change of name of Laura Maria Haydon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Laura Maria Haydon and her husband, John D. Haydon, be, and the same is hereby, forever dissolved so far as relates to said Laura Maria Haydon, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her former name of Laura Maria Naighly.

Approved, January 21, 1842.

CHAPTER 73.

AN ACT for the benefit of William McClelland and others.

WHEREAS, William McClelland did, on the 20th day of April, 1829, with Joseph Steele, Joseph Wallace, and Alexander S. Miller, his securities, executed his bond to the State for the return of fifty stand of public arms and accoutrements, satisfactory evidence being produced that they were all returned except three stand, which were destroyed by fire—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above mentioned bond shall be void and of no effect.

Approved, January 22, 1842.

CHAPTER 74.

AN ACT for the benefit of Edmond O. Hawkins.

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WHEREAS, Edmond O. Hawkins did, on the ninth day of April, eighteen hundred and thirty two, execute his bond to the state for fifty stand of Cavalry arms, with D. W. Poor, P. Morehead, and James V. Walker, as his securities, and good reasons being adduced that said Hawkins and his securities should be released from the penalties of said bond—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above mentioned bond be, and the same is hereby, made void, and shall be of no effect after this date: January 11th, 1842.

Approved, January 22, 1842.

CHAPTER 75.

AN ACT for the benefit of William M. Poyntz, and for other purposes.

M. Poyntz's
adm'r released
from all penal-
ty in a bond for
public arms.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William M. Poyntz, administrator of the estate of Moses Poyntz, deceased, is hereby released from all liability upon the bond of the said Moses Poyntz, executed to the Commonwealth of Kentucky, as the security of Captain William M. Calvert, for the safe keeping and delivery of seventy-eight stands of arms, that were delivered to the said Calvert as Captain of a Light Infantry Company in the city of Maysville, five of which stand of arms have been lost by fires in the city of Maysville, or other casualty, and the remainder now being in the hands of said Poyntz, ready to be delivered.

Said arms
may be deliv-
ered to the
mayor & coun-
cil of Mays-
ville on certain
conditions.

SEC. 2. It shall be lawful for the said Poyntz to deliver over to the Mayor and Council for the city of Maysville the said seventy-three stands of arms upon the said city of Maysville executing her bonds, under her corporate seal, with security, to the Commonwealth of Kentucky, for the safe keeping and delivery of said stands of arms, and filing the said bond with the Quarter Master General; and it shall then be lawful for the city of Maysville to hold said arms until demanded by the proper authority.

Approved, January 22, 1842.

CHAPTER 76.

AN ACT for the benefit of Louisa J. Reece.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between Louisa J. Reece and Henry R. Reece, be, and the same is hereby, dissolved, so far as relates to the said Louisa, who is

hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Louisa J. Moore.

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Approved, January 22, 1842.

CHAPTER 77.

AN ACT for the benefit of William Bradley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William Bradley and his wife, Linney Bradley, now Linney Adair, (she having obtained a divorce, and since intermarried with James Adair,) is hereby dissolved, and the said William is restored to all the rights and privileges of an unmarried man.

Approved, January 22, 1842.

CHAPTER 78.

AN ACT confirming the title of Juliet Henry in a lot of ground in the town of Bowlinggreen, deeded to her by the Trustees of the Methodist Episcopal Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the deed of conveyance, dated the fifteenth day of March, eighteen hundred and forty-one, to Juliet Henry, to a lot of ground in the town of Bowlinggreen, by Pleasant Hines, Frederick Cox, Daniel G. Pleasants, Albert Mitchell and John W. Coleman, Trustees of the Methodist Episcopal Church in said town, be, and the same is hereby, confirmed, and said deed shall pass the title, both legal and equitable, from said Trustees to said Juliet Henry, so far as the same has been heretofore vested in said Trustees, any principle in law to the contrary notwithstanding.

Approved, January 22, 1842.

CHAPTER 79.

AN ACT for the benefit of Sylvania Floyd.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Frederick Hafley, a citizen of Casey county, is desirous of having the name of Sylvania Floyd, a girl now living in his family, changed to that of Sylvania Hafley, and that said Sylvania should be adopted as his legal heir, and take his estate by descent, as though she had been his lawful child—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of the said Sylvania Floyd, be, and the same is hereby, changed to that of Sylvania Hafley, by which name she shall hereafter be styled and known; and

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that she may be capable of taking and holding, by descent, the estate of said Frederick Hafey, real, personal, and mixed, in as full and as complete a manner as if she was his lawful child.

Approved, January 22, 1842.

CHAPTER 81.

AN ACT for the benefit of the Clerks of the Washington and Marion Circuit Courts.

WHEREAS, it is represented to the present General Assembly, that Charles C. Kelly, Clerk of the Washington Circuit Court, and William F. Knott, Clerk of the Marion Circuit Court, failed to renew their official bonds at the time prescribed by law—for remedy whereof,

Further time
to renew bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be, and the same is hereby, given to the said Clerk of the Marion Circuit Court, and the said Clerk of the Washington Circuit Court, to renew their official bonds, and each of said Clerks are hereby released from all the penalties and liabilities that might have resulted from such failure.

Approved, January 22, 1842.

CHAPTER 83.

AN ACT for the benefit of Oscar Turner.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Oscar Turner, son of Fielding L. Turner, of Fayette county, be, and he is hereby, relieved from the disabilities of minority, and may act in all respects as a man of full age of twenty one years, in whatever relates to his civil rights.

SEC. 2. This act shall be in force from and after the passage thereof.

Approved, January 22, 1842.

CHAPTER 84.

AN ACT for the benefit of Louisa Warder

WHEREAS, it is represented to the present General Assembly, by the application of Willis Roberts, that he has under his care and protection Louisa Warder, under the age of twenty-one years, whom he claims as his daughter, born out of wedlock, and that the said Willis Roberts wishes to adopt said infant as his heir, and that her name be changed to Louisa Roberts—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Louisa Warder shall hereafter be

called and known by the name of Louisa Roberts, and that she shall be, and is hereby, made capable in law to inherit and succeed, by descent or distribution, to the estate of the said Willis Roberts, at his death, as if born in lawful wedlock.

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Approved, January 22, 1842.

CHAPTER 85.

AN ACT for the benefit of M. C. Anderson, John Messick, Charles P. Howard and D. P. Keatley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bond executed in the year 1839, to the Commonwealth of Kentucky, for sixty stand of muskets and accoutrements, by M. C. Anderson, as principal, and John Messick, Charles P. Howard, and D. P. Keatley, as his securities, be cancelled, and that the said Anderson and his securities are hereby released from all liability on the same.

Approved, January 22, 1842.

CHAPTER 86.

AN ACT for the benefit of Pouncy Nuckols and others.

WHEREAS, Pouncy Nuckols did, on the 23d day of March, 1835, execute his bond to the State for forty stand of Cavalry arms, with Basil G. Smith, Charles H. Price, and Obed Carter, his securities, and good reasons being adduced that said Nuckols and his securities should be released from the penalties of said bond—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above mentioned bond be, and the same is hereby, made void and of no effect after this date: January the 12th, 1842.

Approved, January 22, 1842.

CHAPTER 87.

AN ACT for the benefit of Alexander Burnam.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Alexander Burnam to appear in the McCracken Circuit Court, in custody, or upon his recognizance, on the first or second day of the next term thereof, and make his election to be tried in the Graves or Calloway Circuit Court, for the crime of forgery, with which he stands indicted in the said McCracken Circuit Court, which election shall be entered on record; and thereupon it shall be the duty of said Court to award to said Burnam a change of venue, in said case, to the county of Graves

May be tried
in the Graves
or Calloway
circuit court.

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Calloway or
Graves circuit
court shall have
jurisdiction.

Witnesses to
be recognized.

Clerk to make
out and trans-
mit record.

Allowance
to the Sheriff.

Clerk to is-
sue process.

Pay of wit-
nesses.

or Calloway, as he may elect; and to cause him, said Burnam, to enter into a recognizance, with good surity, in such sum as the court shall demand, conditioned according to law, for his personal appearance in said court of Graves or Calloway, as he may elect, on the second day of the next ensuing term thereof, and surrender himself into custody to answer the said charge—and upon his failure to give such bond, said change of venue shall not take place—and upon the indictment aforesaid, and such proceedings as may have been had thereon, being certified to, and filed in, the Graves, or Calloway, Circuit Court, as hereinafter provided, the said Court shall take cognizance of said indictment, and every thing incidental or appertaining thereto, as though the offence for which said Burnam is indicted had been committed in said county to which said change of venue is granted; and shall, in case he be found guilty, enter judgment and cause execution thereof, or grant a new trial, according to the justice of the case, as though the indictment had originated in said court; and the officers of said court shall, in like manner, perform all the duties pertaining to their said offices in relation to said indictment; and the Judge of the McCracken Circuit Court shall, upon the election of said Burnam to be tried in the Graves or Calloway Circuit Court, as aforesaid, recognize the witnesses on the part of the Commonwealth to appear at the next term of the court in which said Burnam shall elect to be tried; and said court shall proceed upon all recognizances in the same manner as though the same had been taken in said court; and said court, to which said case may be changed, shall have power and jurisdiction in relation to said change, as though the said offence had been committed in said county.

SEC. 2. That it shall be the duty [of the Clerk] of the McCracken Circuit Court to make out full and complete copies of all orders made in his court in said prosecution, and forward the same, together with all other papers filed in his office touching the same, by the Sheriff of his county, or some other trusty person, to the Clerk of the court to which the venue in said case may be changed, taking his receipt therefor; which duty shall be performed by said Sheriff, or other person, with all possible dispatch, and such Sheriff, or other person, shall be allowed six cents per mile in going to and returning from the county aforesaid, to be paid out of the public Treasury in the same manner as other moneys for services in criminal cases are paid.

SEC. 3. That the Clerk of the court to which the change of venue in said case may be ordered, shall have full power and authority to issue all necessary process relative to said prosecution, as though the same had been commenced in said county.

SEC. 4. That the witnesses attending said court shall be allowed the same compensation for travelling to and returning from said court, as is directed by law in such cases.

SEC. 5. That said court shall have full power and authority, on the application of the Commonwealth, or said Burnam, for good cause shown, to grant continuances, and such continuances shall in no wise operate as a discharge of said Burnam.

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Approved, January 25, 1842.

CHAPTER 88.

AN ACT to dissolve the marriage contract between Cynthia Wester and Samuel Wester, and to change the name of said Cynthia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Cynthia and Samuel Wester, be, and the same is hereby, forever dissolved, and they are hereby restored to all the rights and privileges of unmarried persons, and the said Cynthia is hereby restored to her maiden name of Cynthia Forgy.

Approved, January 25, 1842.

CHAPTER 89.

AN ACT for the divorce, and change of name, of Fidelia Isbell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Fidelia Isbell and her husband, Willis Isbell, be, and the same is hereby, forever dissolved, so far as relates to the said Fidelia, and she is hereby restored to all the rights and privileges of a *feme sole*, and to her maiden name, that of Fidelia Willett.

Approved, January 25, 1842.

CHAPTER 90.

AN ACT to legalize the marriage of Elisha Breeding and Belinda Stamper, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore solemnized between Elisha Breeding and Belinda Stamper, be, and the same is hereby, legalized; and the children by said marriage, to-wit: William, Elijah, John, Alice, and Nancy, be, and they are hereby, legitimized and made capable of inheriting by descent or devise, and entitled to all the privileges they would have been if born in lawful wedlock.

Approved, January 25, 1842.

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CHAPTER 91.

AN ACT for the benefit of Henry Smith, and others.

WHEREAS, Henry Smith, in the year eighteen hundred and thirty three, executed a bond to the Commonwealth of Kentucky, with Edward Violet, T. W. Starks, and George W. Smith, as securities, for fifty stand of public arms, and satisfactory reasons appearing why said bond should not be enforced against said Smith and his securities—for remedy therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above recited bond be cancelled and made void.

Approved, January 25, 1842.

CHAPTER 94.

AN ACT for the divorce of Jerusha Foster.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Madison Foster and Jerusha Foster, his wife, be dissolved, so far as relates to the said Jerusha; and that she be restored to all the rights and privileges of an unmarried woman, and to her maiden name of Jerusha Shaurd.

Approved, January 25, 1842.

CHAPTER 95.

AN ACT for the benefit of Jane Myers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jane Myers, widow and relict of Lewis Myers, deceased, be, and she is hereby, permitted to remove with her to the State of Missouri, the slaves of her deceased husband, and that such removal shall not forfeit such slaves, or rather the dower which she holds of the endowment of her husband's estate unto the person or persons that shall have reversion thereof: *Provided,* said Jane Myers shall, before such removal, execute bond with sufficient security, to be approved by the Garrard County Court, in a penalty to be named by said court, payable to the heirs of said Lewis Myers, conditioned to have said slaves or their increase, or such of them as may be living, forthcoming at any time when called upon by proper legal process to answer the demand of such person or persons as, at the time of such demand, may be entitled to the same in reversion.

Approved, January 25, 1842.

CHAPTER 98.

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AN ACT for the benefit of William M. and Eleanor Griggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William M. Griggs and Eleanor Griggs be, and the same is hereby, dissolved, and they are each respectively restored to all the rights and privileges of unmarried persons, and the said Eleanor to her maiden name of Eleanor Porter.

Approved, January 31, 1842.

CHAPTER 99.

AN ACT for the benefit of George M. Lambert.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between George M. Lambert and Elizabeth Ann Haley, late Elizabeth Ann Lambert, be, and the same is hereby, forever dissolved, so far as relates to the said George, who is restored to all the rights and privileges of an unmarried man.

Approved, January 31, 1842.

CHAPTER 100.

AN ACT to allow Jonathan Davidson a change of venue.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the calling of the indictment, now depending in the Rockcastle Circuit Court, against Jonathan Davidson for murder, at the next term of said court, it shall be lawful for said Davidson to elect to be tried in the county of Garrard; and upon his making said election, it shall be the duty of the Judge of the Rockcastle Circuit Court to cause the consent and election of said Davidson to be entered on the record of the Rockcastle Circuit Court; and, thereupon, the Judge of said court shall order said Davidson to be transferred to the said county of Garrard; and the Clerk shall transmit to the Clerk of the Garrard Circuit Court all papers connected with said prosecution, with a copy of all the orders of the court made in relation thereto.

May elect to be tried in Garrard county.

Duty of Rockcastle circuit court.

Court to order the transfer of said Davidson.

SEC. 2. That in case the said Davidson shall elect to be tried in the county of Garrard, then the Garrard Circuit Court shall have power and jurisdiction to try said Davidson for the offence, with which he now stands charged, as fully as if said offence had been committed in the county of Garrard; and shall have power to cause said indictment to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts, in relation to criminal trials, as fully as if said court had original jurisdiction of the case; and in case the indictment should be quashed, on ac-

If venue changed, then the Garrard circuit court to have jurisdiction.

Power of the Garrard circuit court.

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If indictment
is quashed, then
new indictment
to be found.

Proviso.

Duty of the
Rockcastle cir-
cuit court.

Term of the
Garrard court
extended.

Trial when
to commence.

count of any irregularity or other defect, then the Garrard Circuit Court shall have power to impanel a grand jury for the purpose of finding a new indictment, it being the intent and meaning of this act, that in no event, shall the said Davidson be discharged for any irregularity, but that a trial shall be had on the merits: *Provided, however,* that nothing herein contained, shall be construed to deny to said Davidson the privilege of being bailed, should a court of competent jurisdiction to grant bail believe that the offence is bailable.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Rockcastle Circuit Court to take recognizances of the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearance of said witnesses in the Garrard Circuit Court; and for that purpose subpoenas shall be issued, and other necessary process to compel the attendance of such witnesses before the said Rockcastle Circuit Court.

SEC. 4. *Be it further enacted,* That the term of the Garrard Circuit Court, at which said Jonathan Davidson shall be tried, shall be extended, and said court shall continue twenty four juridical days, if the business of the court shall require it; and that the trial of said Davidson shall commence on the seventh day of the term.

Approved, January 31, 1842.

CHAPTER 101.

AN ACT to incorporate the Trustees of Clayvillage Seminary.

Names of
Trustees.

Style.

Their pow-
ers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Price C. Willis, Lewis Neal, William G. Rice, Culvin Sanders, and Isaac N. Guthrie, be, and they are hereby, created a body politic and corporate, by the name and style of the "Trustees of Clayvillage Seminary," and they, with their successors, shall so continue and have perpetual succession; and by that name are made capable, in law, as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of law or equity in this Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold to themselves and their successors the freehold or leasehold title to any quantity of land not exceeding fifty acres, and the emoluments thereof, and any tenements, goods, and chattels of any kind whatever, which may be given, granted, devised, or demised, in trust to them or their successors, for the use and benefit of the Clayvillage Seminary, subject, however, to such limitations and restrictions as may be imposed or reserved by the grantor of such property.

SEC. 2. Said corporation shall have the power to make such by-laws, for the government of the same, as they shall deem

necessary, not inconsistent with the constitution and laws of this State; and they shall have power to sell, or otherwise dispose of, any property acquired or held by them by virtue of this act, and by their deed, duly acknowledged, transfer and convey the title to any such property.

SEC. 3. That should any vacancy occur in said corporation by death, resignation, or otherwise, such vacancy shall be filled by election by the remaining members of the corporation; and the Legislature shall have the right to amend, modify, or repeal this act, but the repeal shall not deprive the said corporation of the property and effects acquired and held under this charter.

Approved, January 31, 1842.

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Power to sell property, &c.

Vacancies—how to be filled

Law may be repealed.

CHAPTER 102.

AN ACT to authorize and enable the city of Louisville to erect Water Works.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the city of Louisville be, and it is, empowered to borrow not exceeding two hundred thousand dollars, at a rate of interest not exceeding eight per cent. per annum, and upon a credit of not more than thirty years, the interest to be paid half yearly, at Louisville, or either of the Atlantic cities. And the better to enable said city to borrow the money necessary for the erection of Water Works, it is empowered to secure the payment of the principal and interest of any sum or sums borrowed by the hypothecation of any real estate owned by the city, and also the net proceeds of such Water Works when made. The City Council shall also, from time to time, levy a tax upon the taxable property, within the city, adequate to the payment of the interest upon any sum borrowed, or so proposed to be borrowed, to be designated and collected as and by the name of Water Tax; which, as collected, shall, from time to time, be paid over by the City Collectors to the Treasurer of the Board of Superintendence hereinafter named. No tax, so levied, shall ever thereafter be repealed so long as the money so borrowed shall remain unpaid, nor shall the avails thereof be directed to any other purpose.

SEC. 2. The said city is authorized to construct suitable Water Works, whether within or without its limits for the abundant supply of all public, domestic, and manufacturing purposes; and to procure, by purchase or otherwise the necessary site or sites for such works, not exceeding twenty acres of ground, together with the necessary rights of way for conduits or pipes, either below or above the surface, together with the right of ingress or egress necessary to keeping them in repair; and if such sites or rights of way as may be selected and needed, cannot be procured by purchase, the same, at the instance of the city, may be condemned for the public

City may borrow money, and what rate of interest, on what credit.

How to be paid, & where.

How to secure the payment.

City council may levy a tax to pay interest.

Tax to be paid over to the Treasurer.

Tax when to be repealed.

City authorized to erect water works.

What amount of ground, &c.

Sites or rights if not to be purchased how to be condemned.

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Value of property for right first to be tendered.

use, aforesaid, by application to the Jefferson Circuit Court, by appropriate proceedings, in the nature of writs of *ad quod damnum*, the assessed value of the property or right of way being first paid, or tendered in court, for the use of the owners before final condemnation.

Superintendence and erection, &c. to be placed under control of a board, of whom to consist, and how appointed.

Superintendent to receive salary.

Who to be treasurer, and to give bond.

SEC. 3. The superintendence of the erection, keeping, and repairing, together with the financial affairs, and all other matters pertaining to such works, shall be placed under the immediate control and management of a Board, to consist of a Superintendent and four Managers, to be annually appointed by the City Council, and who shall retain their situations till successors are appointed. The Superintendent to receive an adequate salary, not exceeding two thousand dollars per annum; one of the Managers to be designated by the Council as Treasurer, with an adequate salary, who shall give bond with sufficient security to the city for the faithful discharge of his duties; and into whose hands all moneys shall be immediately paid, borrowed, or otherwise raised or collected for the use of the works.

Duty of board of superintendence.

Proviso.

SEC. 4. The Board of Superintendence shall, from time to time, once in every year, establish a scale of prices at which the use of the water shall be let; from year to year; and every tenant shall be deemed to continue to let, from year to year, at such rate, whatever it may be, unless the Board be notified to the contrary, at least one month prior to the expiration of every current year: *Provided*, the City Council may control the scale of rates, if thereby the annual net proceeds of the works are not reduced below what may be necessary to pay the interest on any sum remaining unpaid of what may have been borrowed for their erection: *And provided*, that after the completion of the works, and their extension to all suitable points throughout the city, within the discretion of the Council, the assessments shall be so regulated as not to produce a net annual revenue exceeding ten per cent. on the cost; all surplus, after paying the interest on the money borrowed, shall be half yearly paid into the city Treasury.

Board to appoint collector, &c., to give bond.

Collector's duty.

Treasurer and collector in case of default to be sued.

SEC. 5. The Board of Superintendence may annually appoint a collector, with an allowance of adequate commission, who shall give bond with sufficient surety to the city, for the faithful discharge of his duties; whose duty it shall be to collect all water rents or sue for the same, in the name of the city, before any appropriate tribunal and recover the same by summary proceedings after five days' notice: he shall make weekly returns of and pay to the Treasurer all sums collected. In case of default on his part, or that of the Treasurer, the city may, by like proceedings, after like notice, sue either and his securities upon his official bond.

SEC. 6. The city may pass by-laws with penalties not exceeding ten dollars to protect the works and its water from wilful or negligent injury; or where any person shall wilfully

attempt to render the water, used for said works, impure or insalubrious, or shall wilfully injure or damage any of said works, he or she may be proceeded against by indictment, and punished at the discretion of a jury, by fine, not exceeding one thousand dollars, and imprisonment not exceeding one year.

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City may pass by-laws to protect the works, &c.

Approved, January 31, 1842.

CHAPTER 103.

AN ACT for the benefit of Juliet Henry, executrix of Mathis W. Henry, dec'd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer, for the sum of two thousand seven hundred and two dollars, in favor of Juliet Henry, executrix of Mathis W. Henry, deceased, for work and labor done by her as executrix aforesaid, on an abutment at lock and dam No. 4, on Green river, for which she has heretofore received no compensation, which sum shall be paid out of the Internal Improvement Fund: *Provided*, she is willing to receive the benefit of this act in State Bonds at par value.

Approved, January 31, 1842.

CHAPTER 104.

AN ACT to amend an act, entitled, an act to incorporate the Louisville Gas and Water Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, "an act to incorporate the Louisville Gas and Water Company," shall be so amended, that the style of said company, shall be "the Louisville Gas Company;" and every part of said act which gives to said company any power to erect water works, shall be, and the same is repealed.

Style of the company, what part repealed.

SEC. 2. Said company may hold the real estate on the south side of main street, in Louisville, now owned by them, and shall not be compelled to sell the same.

May hold real estate.

Approved, January 31, 1842.

CHAPTER 105.

AN ACT for the benefit of Wilson M. Taylor's heirs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Vincent Taylor, or the statutory guardian of Wilson M. Taylor's heirs, to file, on oath, a bill of complaint, in the Cumberland Circuit

Heirs may file a bill in chancery.

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Allegations
to be set out.

Who to be
made parties.

Court may
decree a sale.

What credit.

Court against said heirs, and the widow of said Taylor, alleging, in substance, that said decedent purchased by executory contract from the legal representatives of Robert Brummell, deceased, a certain tract of land, containing about seventy five acres, whereon the said Wilson M. Taylor was living at the time of his death, and lying in Cumberland county, in this State; that the purchase money for the said land remains unpaid, and unless said land can be sold for the payment thereof, said purchase money must be made out of the negroes left by said decedent; his personal estate not being more than sufficient to pay his other debts, and that he died without having made or published any last will or testament, and that the said Vincent Taylor has been duly appointed the administrator of said Wilson M. Taylor; and that in the opinion of said Vincent Taylor, or said statutory guardian, a sale of said land, and some mountain land adjacent thereto, also claimed by said decedent, and the application of the net proceeds thereof to the payment of said purchase money, and the consequent exoneration of said decedent's negroes from said charge, would redound to the advantage of said infants and widow; to which bill said widow and infants shall be made parties, and said infants shall appear by their guardian *ad litem*; and if, upon the hearing of said cause, the court shall be satisfied by proofs taken in open court, or by depositions, that the allegations of said bill are true, and that a sale of said land, and the application of said proceeds in the manner indicated by the bill, would promote the permanent welfare of said infants, then said court shall, unless objected to by said widow, decree a sale of said land by a Commissioner, upon such credits as the court shall deem proper, and procure a conveyance of the land to be made to the purchaser upon the payment of the price: *Provided*, that said court shall not decree a sale of said land until said Vincent Taylor, or said statutory guardian, execute bond before said court in an adequate penalty, and with sufficient security, payable to said infants, and conditioned to apply the net proceeds of said sale to the discharge of the purchase money so due to said Brummell's representatives, and the residue, if any, pay to the said infants, (their respective portions thereof,) as they may severally attain the age of twenty one years, which bond the clerk of said court shall safely preserve; and the bond, or bonds, taken by said Commissioner, for the price of said land, shall be made payable to the said Vincent Taylor, or said statutory guardian, the complainant in said suit, and to be delivered to him, or her, for collection; and said court shall cause said commissioner to make a report of his proceedings under said decree.

Approved, January 31, 1842.

CHAPTER 107.

1842

AN ACT to establish election precincts in the counties of Calloway and Edmonson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct be established in the south west corner of Calloway county, and that the place of voting be at the house of Benjamin Blythe.

SEC. 2. *Be it further enacted*, That there shall be, and is hereby, established, an election precinct at the house of Richard Durbin, on the waters of Bear creek, in the county of Edmonson.

Approved, February 1, 1842.

CHAPTER 108.

AN ACT for the benefit of Thomas B. Megowan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Fayette county, be, and they are hereby, authorized, at their next court of claims, to levy in favor of Thomas B. Megowan, the sum of seventy five dollars, to be paid as other claims against the said county, being the amount of his expenses in pursuing and re-capturing James Morton, who escaped from the jail of said county.

Approved, February 1, 1842.

CHAPTER 109.

AN ACT for the benefit of Coonrod Havens.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasury of this State in favor of Coonrod Havens, for the sum of twenty five dollars, being a compensation for keeping and supporting Lucy Bradford, a lunatic, from the 1st day of July, 1841, to the 1st day of January, 1842, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 1, 1842.

CHAPTER 110.

AN ACT to incorporate the Trustees of the Lancaster Presbyterian Church.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Abner Baker, Lewis Landram, James McKee, William C. Johnson, and Alexander R. McKee, be, and they are hereby, constituted a body politic, and corporate, to be known by the name of the Trustees of the Lancaster Presbyterian Church, and by that name shall have perpetual succession, and a common seal, and that

Incorporated

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Vacancies,
how filled.

Corporate
powers.

May pur-
chase land and
erect a build-
ing.

said Trustees shall have power, on the death, resignation, removal, or other disqualification of any of the Trustees, or their successors, a majority of those remaining, shall fill such vacancy, and should all of said Trustees, or their successors, either by death, resignation, or otherwise, vacate their offices, then, and in that case, a majority of the members of said church, at the time of such vacancy, shall proceed to fill the same, and the person, or persons, so appointed, shall be vested with power and authority as if named specially in this act; and by the name and style of the Trustees of the Lancaster Presbyterian Church, may sue and be sued, implead and be impleaded, in any court of law and equity in this Commonwealth.

SEC. 2. *Be it further enacted*, That said Trustees, and their successors, shall have power and authority to purchase a suitable lot, or lots of ground, not exceeding ten acres, for a burial ground, and the erection of a building for public worship, and session room, to receive conveyances by deed therefor, which shall be subject to the regulations and provisions, as deeds of conveyance are now subject to by the laws of this Commonwealth.

Approved, February 1, 1842.

CHAPTER 111.

AN ACT for the the benefit of Joseph C. Stiles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph C. Stiles be, and he is hereby, authorized (upon the purchase thereof,) to introduce and import into the State of Kentucky from the State of Georgia, two negro men slaves, the husbands of his two women slaves named Rose and Cloe, upon the conditions that he shall leave in the State of Georgia, and not introduce into the State of Kentucky, any two of a number of slaves now owned by him in Georgia, and which by law he might import into Kentucky; and also take an oath before some Justice of the Peace, within thirty days after said slaves shall have been introduced, that he did not bring said slaves with the intention of selling them, and that the women slaves Rose and Cloe did come to him by descent, or devise, and that he has left two slaves in Georgia which came to him by descent, or devise, and which he will not bring into this State, and shall have said oath recorded within thirty days after taking the same, in the office of the Clerk of the County Court of the county in which the oath is taken; and in case of his failing to comply with the conditions hereof, he shall be liable to all the penalties of an act, entitled, an act to amend the law prohibiting the importation of slaves, approved, February 2, 1838.

Approved, February 1, 1842.

CHAPTER 112.

AN ACT for the benefit of Nancy Moore.

1842

May file bill.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Nancy Moore to exhibit, on oath, in the Bracken Circuit Court, her bill of complaint alledging that she is the widow of Benjamin Moore, deceased; that he died intestate and seized of four-sevenths of a tract of land containing two hundred and eight acres, and an undivided half of a tract of land containing two hundred and forty acres; that said decedent left three children, heirs of her said husband, all of whom are infants; that in her opinion it was the wish of her said husband, and would redound to the interest and benefit of her said infant children, to have the latter tract of land sold, and the proceeds applied to the payment of her husband's debts, and the purchase of the remaining interests in the first named tract of land. Upon filing said bill, containing said allegations in substance, and making said infant heirs defendants thereto, by due service of process, said court shall cause them to appear by a guardian *ad litem*, and if said court shall be satisfied by proof taken in open court, or by way of depositions, that the allegations are substantially true, and that a due regard for the permanent advantage of said infants will justify a sale of said last mentioned tract of land, and such application of the proceeds after the payment of said decedent's just debts, then the court shall decree such sale and disposition of the proceeds, by a Commissioner of the court, or by a decree cause said proceeds to be paid to said Nancy Moore, taking from her a bond, in a sufficient penalty, and with approved security, and conditioned to apply such proceeds to the purchase of said first tract of land, in such manner as the Court may direct, or so much of said proceeds as may be necessary for that purpose, and the surplus, if any, pay to said infants as they shall severally arrive at the age of twenty-one years, and in the mean time comply with any order which said court may make in regard to said surplus, and also render to said court, when called upon, a just account of the disbursements of said proceeds of said sale, whether in the purchase of said first mentioned tract of land, or in the disposition of said surplus in payments to said infants, when they may become of age, or payments made in conformity to any order of said court.

Court may decree a sale of the land, and make disposition of the proceeds.

SEC. 2. That said court shall cause a deed to be made to the purchaser, upon the payment of the purchase money, for so much of said tract of land as may be sold under this act, and require from said Commissioner a report of his proceedings under said decree; and said court shall make such other orders and decrees in said suit as may be necessary and proper to effectuate the purposes contemplated by this act.

Deed to be made to the purchaser.

Approved, February 1, 1842.

CHAPTER 113.

1842

AN ACT for the relief of Edward Rumsey, administrator of Richard Elliott, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edward Rumsey, administrator of the goods and chattels, &c., of Richard Elliott, late of Muhlenburg county, deceased, and the sureties of the said Elliott, be, and they are hereby, released from the obligations of a bond executed by said Richard Elliott, in his life time, to the Commonwealth, bearing date the 10th day of September, 1825, conditioned for the return of sixty stands of public arms.

Approved, February 1, 1842.

CHAPTER 116.

AN ACT for the benefit of the heirs of Bennett Rose, deceased.

May file bill
or petition.

May decree
a sale of the
land.

Judge may
appoint a cura-
tor—his powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the guardian of Eliza Jane Rose, William Rose, Winston Rose, Bennett Rose, John Rose, Elizabeth Rose, and Mary J. Rose, children and heirs at law of Bennett Rose, deceased, to file a bill or petition in the Casey Circuit Court, praying for the sale of a tract of land, in the county of Barren, which belonged to said Bennett Rose at his death; and the Judge of said court is directed to decree the sale of said land whenever the guardian shall manifest the propriety and expediency of so doing, in the manner prescribed by existing laws: *Provided, however,* that the Judge of said court shall be regulated in his action on said bill or petition, by the laws now in force and the rules of chancery practice.

SEC. 2. That it shall be lawful for the Judge of said court, if to him it shall appear most beneficial to the interest of the heirs of said Bennett Rose, deceased, to appoint some fit and proper person as Curator for said heirs, and to him said Judge shall confide, under the supervision and control of the court, the power and authority to select, contract for, and purchase, in the name and in behalf of the heirs, some suitable tract of land in the county of Casey: *Provided,* said Curator shall not undertake or contract to pay therefor, a greater sum of money than that realized by the sale of the tract of land in the county of Barren, and the Judge of said court is hereby invested with full and ample power and authority to make all such rules and decrees as to him may seem right and necessary to effectuate the object and intent of this act.

Approved, February 1, 1842.

CHAPTER 117.

AN ACT for the benefit of Coleman Graves.

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WHEREAS, it is represented that Captain Harvey Bledsoe, of the eighth regiment of Kentucky Militia, about the year 1830, with Coleman Graves, Dary Veal, and William H. Rogers, his securities, executed to the Commonwealth their joint bond for the safe keeping and return of certain public arms, received by said Bledsoe for the use of his company; that the said Bledsoe departed this life about the year 1833, and that his estate, as well as that of William H. Rogers, is insolvent, and Dary Veal, another security, has removed to the State of Missouri; that the remaining security, Coleman Graves, has used all diligence to collect the said arms, and has succeeded in securing and returning about one-half the number; that at the last January term of the General Court a judgment and execution was obtained against him, and an execution thereon issued, for the sum of two hundred and thirty-six dollars, which, with the costs, he has paid to the Sergeant of the General Court, and now petitions to have the amount of the said judgment refunded to him—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said Coleman Graves presenting to the Auditor of Public Accounts the receipt of the Sergeant of the General Court, given in discharge of the execution aforesaid, it shall be the duty of said Auditor to draw his warrant, in favor of said Graves, on the Treasury, for the sum of two hundred and thirty-six dollars, the amount of the judgment aforesaid, which shall be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

Approved, February 1, 1842.

CHAPTER 118.

AN ACT for the benefit of William H. Bransford.

WHEREAS, it appears that William H. Bransford, without a knowledge of the act of 1833, and after he became a citizen of Daviess county, purchased, for his own use, in the State of Virginia, a family of slaves, consisting of a man, his wife, and three children; that he has not brought them to this State, and cannot do so without incurring the penalties of the act, entitled, an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said William H. Bransford to import into this State, for his own use, the slaves aforesaid, to-wit: Nicholas, Rhoda, Newton, Harriet, and Booker: *Provided*, the said William H. Bransford shall, within thirty days after he imports said slaves into this

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State, take an oath, before some Justice of the Peace, that he was ignorant of the provisions of the act of 1833, above recited, when he purchased said slaves, and that he imported them for his own use and not as merchandize, and have the said affidavit recorded in the County Court of Daviess county; and upon the failure of said Bransford to take and record the affidavit aforesaid, this act shall not be construed as in any manner exempting him from the penalties of the act of eighteen hundred and thirty-three.

Approved, February 1, 1842.

CHAPTER 119.

AN ACT for the benefit of E. W. Dowden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasury of this State, in favor of E. W. Dowden, for the sum of thirty-six dollars, being a compensation for pursuing, arresting, and bringing to jail, W. R. Bell and Richard Simpson, on a charge of felony, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 1, 1842.

CHAPTER 121.

AN ACT for the divorce of Willis Isbell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Willis Isbell and Fidelia Isbell, be, and the same is, forever dissolved, so far as relates to the said Willis Isbell, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, February 1, 1842.

CHAPTER 122.

AN ACT for the benefit of Temple G. and Sophia Priest.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Temple G. Priest and Sophia Priest, be, and the same is hereby, dissolved, and that they be restored to all the rights and privileges of unmarried persons.

Approved, February 1, 1842.

CHAPTER 123.

AN ACT for the divorce of Mary Jane Owen.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary Jane Owen and Daniel C. Owen, be, and the same is, forever dissolved, so far as relates to the said Mary Jane Owen, and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 1, 1842.

CHAPTER 124.

AN ACT to establish a Library Association at Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That S. S. Bucklin, Benjamin I. Adams, John N. Johnson, Edward Parmele, A. A. Gordon, James Lees, J. W. Brannon, Henry L. Cobb, Jacob Owen, B. P. Bakewell, B. F. Tevis, and their associates and successors, shall be, and they are hereby, constituted a body politic and corporate, to be styled "The Mercantile Library Association of Louisville," and by that name they may sue and be sued, and they may have and use a common seal, and adopt such a constitution, and make such by-laws, as shall be necessary and proper for their government, not inconsistent with the constitution and laws of the United States or of this State.

Incorporated.

SEC. 2. Said Library Association shall only have power to establish a library and reading and lecture room in the city of Louisville, and unite therewith such philosophical or scientific apparatus as they may choose, and for this purpose they may hold real estate to the amount of ten thousand dollars.

Powers and capital.

SEC. 3. The Secretary of State shall cause to be distributed to said Association, every year, a copy of the Acts of the General Assembly, and a copy of the Public Documents printed by order of the Legislature, to be kept by them, subject to the inspection of any citizen of this State.

To receive Acts of Assembly, &c.

SEC. 4. This act may be amended or repealed at any time.

Approved, February 5, 1842.

CHAPTER 125.

AN ACT for the benefit of the widow and infant childrea of Benjamin Hart, deceased.

WHEREAS, it has been represented that by a certain writing, purporting to be the last will and testament of Benjamin Hart, deceased, but which said instrument is rendered wholly inoperative in law, having been authenticated by only one attesting witness, the said Hart devised to his wife Anne all his estate, real and personal, to dispose of the same to sat-

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isfy his just debts, and appropriate the remainder as she thought best. And whereas, it has been represented that the said widow is desirous to remove to the State of Missouri, and, in consequence, to dispose of the only remaining estate of her deceased husband, a tract of one hundred acres of land of the value of one thousand dollars, and reinvest the same in said State for the benefit of her infant children.

Petition may
be filed.

Allegations.

Court to ap-
point com'rs.

Court may
decree sale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said widow, in conjunction with the guardian of said infants, may, and they are hereby authorized to, file a petition in the Fleming Circuit Court, setting forth all the facts as regards said land, as to the benefits and advantages of a sale thereof, and that it shall be the duty of said court, upon the filing of said petition, to appoint two discreet persons, who, in conjunction with the Commissioner, or Master in Chancery, shall report to said court the advantages and disadvantages attending a sale of said land, and their opinion whether it will redound to the advantage of all concerned to sell and dispose of said land, and reinvest the proceeds thereof in other lands or real property; and upon the coming in of said report, if it shall appear to the court to be for the advantage of all concerned that a sale of said land, and reinvestment, should be made, said court, at the appearance term of said petition, may enter up a decree for said sale upon such credits as in its opinion will be most to the advantage of all concerned, and upon the payment of the purchase money may order and decree a conveyance to be made to the purchaser: *Provided, nevertheless,* that no decree shall be rendered by said court until the guardian, appointed by the County Court of Fleming, for said infants, shall enter into bond, in addition to his bond as guardian in said court, before the Circuit Court of said county, with security to be approved by said court, for the faithful appropriation of the proceeds arising from the sale of said land under this act, and pursuant to the decree of the Fleming Circuit Court to be thereafter made.

Approved, February 5, 1842.

CHAPTER 126.

AN ACT to allow additional Justices of the Peace and Constables to certain counties, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the County Court of Nicholas county be, and they are hereby, authorized to appoint an additional Constable for said county, who shall reside in the neighborhood of John Alexander.

SEC. 2. Be it further enacted, That the Constable's district, including the town of Burksville, shall be, and the same is hereby, extended so as to embrace the residence of Mrs. Marley P. Walthall.

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SEC. 3. *Be it further enacted*, That the first Constable's district in the county of Hardin shall be so extended as to include all the village, about one mile from Elizabethtown, called Claysville, and the Constable appointed for said district may reside in said village.

Constable's district extended in Hardin.

SEC. 4. *Be it further enacted*, That two additional Constables be allowed to the county of Green, one of which to reside in the town of Summerville or vicinity, and the other in the southeast part of the county, in the neighborhood of Norman Christie.

Two constables allowed in Green county.

SEC. 5. *Be it further enacted*, That it shall be lawful for the County Court of Fleming, a majority of all the Justices in commission for said county being present, if in their discretion the same be demanded by public utility and convenience, to nominate to the Governor of this Commonwealth a suitable person to fill the office of Justice of the Peace for said county in addition to the number now authorized by law; also to appoint a Constable to reside in the neighborhood of such Justice, when he shall be legally commissioned.

Fleming county may nominate an additional Justice of the Peace.

Also appoint constable.

SEC. 6. *Be it further enacted*, That one additional Justice of the Peace be allowed to the county of Daviess, who may reside in the neighborhood of Buck creek.

Justice to Daviess.

SEC. 7. *Be it further enacted*, That an additional Justice of the Peace be allowed to the county of Madison, and also an additional Constable, to be located on the waters of Indian creek, in the southeastern end of said county.

Justice and constable to Madison.

SEC. 8. *Be it further enacted*, That one additional Constable be allowed to the county of Clay, who shall reside on the waters of Sturgeon creek.

Constable to Clay.

SEC. 9. *Be it further enacted*, That two additional Justices of the Peace be allowed to the county of Whitley.

Whitley.

SEC. 10. *Be it further enacted*, That one additional Constable be, and is hereby, allowed to said county of Whitley.

Whitley.

SEC. 11. *Be it further enacted*, That an additional Justice of the Peace is allowed to the county of Breckinridge; and that the County Court of Breckinridge, in selecting a suitable individual to fill said office, shall have due regard to the necessities of the citizens of Hardinsburg and its vicinity.

Breckinridge.

SEC. 12. *Be it further enacted*, That the Constable's district including the town of Barboursville to be extended so as to include the possessions of Evan Jones on Richland creek.

Barboursville constable's district extended.

SEC. 13. *Be it further enacted*, That an additional Justice of the Peace be allowed to the county of Mason.

Mason.

SEC. 14. *Be it further enacted*, That there shall be allowed one additional Justice of the Peace and Constable to the county of Laurel.

Laurel.

SEC. 15. *Be it further enacted*, That it shall be lawful for the Sheriff of Pendleton county to enter into his official annual bond at the February or March term of the Pendleton County Court, which shall be as binding and valid as if the same had been given at the time prescribed by law.

Sheriff of Pendleton may execute bond.

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CHAPTER 127.

AN ACT allowing William Dalton a change of venue.

Defendant
may elect to
change venue.

Duty of judge
Jefferson cir-
cuit court.

Witnesses
shall be recog-
nized to ap-
pear.

Clerk of Jef-
ferson circuit
court, his du-
ties.

Oldham cir-
cuit to have ju-
risdiction.

Witnesses
may be com-
pelled to attend

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the calling of the indictment now pending in the Jefferson Circuit Court against William Dalton, for shooting Andrew Given with intent to kill, at the next term of said court, the said Dalton shall have a right to elect to be tried, upon said indictment, in the county of Oldham; and upon his election to be tried in Oldham county, it shall be the duty of the Judge of the Jefferson Circuit Court to cause the election and consent of the said Dalton to be entered on the records of said court, and take a recognizance from the said Dalton, with good security, in an adequate penalty, for the appearance of the said Dalton on the second day of the term of the Oldham Circuit Court to be held next thereafter; and it shall also be the duty of the Judge of the Jefferson Circuit Court to recognize all the witnesses for the Commonwealth to appear, at the same time, in the Oldham Circuit Court, to testify against the said Dalton; and for that purpose to cause all such witnesses to be brought into the Jefferson Circuit Court and recognized to appear and testify in the Oldham Circuit Court, against the said Dalton, on the indictment; and said court shall also have power and jurisdiction to recognize all the witnesses of the said Dalton to appear, at the same time, in the Oldham Circuit Court, to testify in behalf of the said Dalton, and to cause his witnesses to be brought into court and recognized as aforesaid.

SEC. 2. That it shall be the duty of the Clerk of the Jefferson Circuit Court to transmit to the Clerk of the Oldham Circuit Court the indictment and recognizance, and all other papers connected therewith, and a copy of all orders and entries in said cause for the Commonwealth, and for said Dalton, on or before the day on which said Dalton shall be recognized; and it shall be the duty of all witnesses for the Commonwealth, and said Dalton, to attend on the second day of the Oldham Circuit Court, to be held next thereafter, in discharge of the recognizances, and not to depart without leave of said court.

SEC. 3. That upon the said Dalton's electing to be tried in the Oldham Circuit Court, and so soon as the papers and a copy of the orders in relation to the consent and election of said Dalton shall be transmitted to the Clerk of said Court, then the Oldham Circuit Court shall have as full and as ample power to [take] jurisdiction of the offence charged in said indictment as the Jefferson Circuit Court now has; and to take all necessary steps for the trial of said Dalton as fully as though the offence had been committed in the said county of Oldham; and shall have power to compel the attendance of witnesses, and to do all other matters and things in relation to the said trial and prosecution, in as full and ample manner, as though the alleged offence had been committed in the county of Old-

ham; and if the indictment shall prove defective, another may be found in the Circuit Court of Oldham.

SEC. 4. That if any exceptions shall be taken to the proceedings by said Dalton, by reason whereof the court shall be of opinion the trial cannot legally be had in the Oldham Circuit Court, to which the venue is changed by this act, it shall be the duty of said court to recognize the said Dalton for trial in the county in which the alleged offence was committed, or in default of his entering into a recognizance for his appearance in said county, then he shall be ordered to stand committed to the jail of the county in which the offence was committed, for trial, and shall be remanded to the jail of that county, under the custody of the Sheriff of Oldham.

SEC. 5. That in the event said Dalton shall make his election to be tried in the Oldham Circuit Court, as provided in the first section of this act, and he shall fail to give a recognizance, as herein before provided, the Judge of the Jefferson Circuit Court shall order said Dalton to be committed to the jail of Oldham county, under the custody of the Sheriff of Jefferson county, to await his trial for said offence.

Approved, February 5, 1842.

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Exceptions to proceedings.

Court to recognize defendant.

In default of recognizance, committed.

If defendant fail to give recognizance, ordered to jail of Oldham.

CHAPTER 128.

AN ACT authorizing the sale of certain parts of streets in the town of Franklin.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William H. McGoodwin, Thomas S. Martin, and E. D. Solomon, or any two of whom, be, and they are hereby, directed to sell, publicly, at the court house door, in the town of Franklin, Simpson county, Kentucky, on the second Monday in May, eighteen hundred and forty two, the following parts of streets in said town, to-wit: all that part of the most southern street, lying east of the most eastern street; that part of the most northern street, lying east of the most eastern street; all that part of the most eastern street, north of the most northern street; that part of the most eastern street, south of the most southern street; that part of the most western street, south of the most southern street.

Commissioners appointed to sell.

SEC. 2. That the said McGoodwin, Martin, and Solomon, or any two of whom, be, and they are hereby, directed to sell said parts of streets to the highest bidder or bidders, on a credit of six months, and to take of the purchaser or purchasers bond or bonds, with good security, to the Commonwealth of Kentucky, for the use of Simpson county, for the purchase money.

To be sold on credit, & bond to be taken.

SEC. 3. That said McGoodwin, Martin, and Solomon, or any two of whom, shall, as soon as the bond or bonds, aforesaid, shall become due, proceed to the collection thereof; and they

Purchase money to be collected, and how appropriated.

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are hereby directed, so soon as the amount of said bond or bonds shall be collected, to place the money, so collected, in the hands of the County Court of said county, by whom it shall be appropriated and applied to lessening the county levy of said county next succeeding the placing of the said money in the hands of the County Court aforesaid.

Compensa-
tion of commis-
sioners.

Sec. 4. That the said McGoodwin, Martin, and Solomon, or such of them as may act, shall be entitled to and receive the sum of two dollars, each, for each day they may be engaged in complying with the provisions of this act, to be reserved by them out of the proceeds of the sale of said parts of streets.

Commission-
ers to make
deeds.

Sec. 5. That the said McGoodwin, Martin, and Solomon, or any two of whom, be, and they are hereby, directed to convey said part or parts of streets to the purchaser or purchasers thereof by deed or deeds, or other instrument or instruments of conveyance, upon the payment of the purchase money therefor, which deed or deeds, or other instrument or instruments, shall vest all the right, title, and interest, in and to such part or parts of said streets as may be conveyed by said deed or deeds in the grantees in said deed or deeds fully and absolutely.

Approved, February 5, 1842.

CHAPTER 129.

AN ACT for the benefit of the Trustees of the Simpson Seminary.

Sale confirm-
ed, and deed to
be made.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sale of the Simpson Seminary, together with four acres of ground, with the appurtenances thereunto belonging, made by the Trustees thereof to Thomas S. Mahm, on the tenth day of November, eighteen hundred and forty one, be, and the same is hereby, ratified and confirmed; and the said Trustees are hereby authorized and empowered to make unto the said Mahm, his heirs or assigns, such deed, or other instrument of conveyance, of said Seminary ground and appurtenances, as to them may seem best; which deed of conveyance shall vest the absolute fee simple in and to said Seminary, four acres of ground and appurtenances, in the said Thomas S. Mahm and his heirs and assigns forever.

Purchase money how appli-
ed.

Sec. 2. That the Trustees aforesaid shall appropriate and apply so much of the proceeds of the sale, aforesaid, as may be necessary to the satisfaction and payment of such amount as may now remain unpaid by them of the original purchase money for said Seminary ground and appurtenances, and the remainder of the proceeds of the sale, aforesaid, be, and the same is hereby, directed to be applied by the Trustees, aforesaid, to the erection of a Seminary within a convenient distance of the town of Franklin.

Approved, February 5, 1842.

CHAPTER 132.

AN ACT for the benefit of James K. Gallion, late Sheriff of Whitley county.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James K. Gallion, late Sheriff of Whitley county, have until the first day of June next to make out and return his delinquent list to the County Court of said county, who are hereby authorized and required to settle the same with said Sheriff in the same manner as if it had been presented at the time required by law.

SEC. 2. *Be it further enacted*, That if, upon such settlement, there shall be allowed to said Sheriff, by said court, on account of delinquents of the revenue tax, more than twenty-six dollars thirty-eight cents, (the unpaid balance of a judgment rendered against him in the General Court,) the County Court of said county shall certify the amount of such excess to the Second Auditor of Public Accounts, who shall give an order for the same upon the Treasurer, who shall pay the amount out of any money in the Treasury not otherwise appropriated.

SEC. 3. *Be it further enacted*, That if the allowance aforesaid, to be made by said County Court, shall not amount to said sum of twenty-six dollars and thirty-eight cents, then said Sheriff shall settle the difference between the allowance made by said court and the sum of twenty-six dollars thirty-eight cents, with the Auditor, and pay the same into the Treasury; and in default of such settlement and payment, a writ of *fieri facias* shall issue upon said judgment, and proceeded upon in the same manner as though this act had not passed.

SEC. 4. That the said James K. Gallion shall have the further time of one year, from and after the passage of this act, to settle and close up his business as Sheriff aforesaid.

Approved, February 5, 1842.

CHAPTER 133.

AN ACT for the benefit of James G. Hardy and James P. Bates.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for James G. Hardy to transfer unto James P. Bates all the public arms that he may have collected of the number which he, with John B. Preston and Robert D. Maupin, as securities, executed a bond for in the year eighteen hundred and twenty nine, on which bond suit has been brought, and is now pending, in the General Court.

SEC. 2. *Be it further enacted*, That James P. Bates shall be permitted to receive the aforesaid arms, and execute bond, with sufficient security or securities, to the Commonwealth,

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for the safe-keeping and return of so many of said arms as he may so receive, and to hold the same subject to the same rules and regulations as are now provided by law in relation to public arms.

SEC. 3. *Be it further enacted*, That six months shall be allowed, from and after the passage of this act, for the said Hardy and Bates to carry into effect the foregoing provisions; and when the said Bates has executed said bond, and the said Hardy has paid all costs which may have accrued in consequence of said suit, then the said Hardy and his securities shall be forever released from the obligation of said bond, and the further prosecution of said suit shall be suspended for six months, and forever if the provisions of this act is complied with.

Approved, February 5, 1842.

CHAPTER 134.

AN ACT for the benefit of Solomon Rhodes, former Sheriff of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Solomon Rhodes, former Sheriff of Muhlenburg county, to make out and present his delinquent list of muster fines assessed, and placed in his hands for collection, to the next annual Court of Assessment which shall convene for the 40th regiment, and the officers composing said Court of Assessment are hereby authorized and required to receive and act upon the same in the same manner they would have had the right to do had the said delinquent list been presented to them at the time prescribed by law.

Approved, February 5, 1842.

CHAPTER 135.

AN ACT for the benefit of the Beargrass Baptist Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Abraham Kellar, John Hikes, and George Hikes, Trustees of the Beargrass Baptist Church, in Jefferson county, be, and they are hereby, authorized and empowered to sell and convey the two acres of land belonging to said church, and on which there is an old stone meeting house, in Jefferson county: the sale may be either public or private, and the proceeds of the sale may be applied by said Trustees to the purchase of another more suitable piece of ground, and the erection of another church thereon, or it may be divided by said Trustees among the churches to which the former members of said church now belong, upon an equal *pro rata* division.

Approved, February 5, 1842.

CHAPTER 138.

AN ACT for the divorce of Alexander Johnson.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Alexander Johnson and Alcy Sutherland, late Alcy Johnson, be, and the same is, forever dissolved, so far as relates to the said Alexander, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, February 5, 1842.

CHAPTER 139.

AN ACT for the divorce and change of name of Malinda Lane.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Malinda Lane, and Hugh Lane, be, and the same is, forever dissolved, so far as relates to the said Malinda, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her former name of Malinda Walker.

Approved, February 5, 1842.

CHAPTER 140.

AN ACT for the divorce of Rezin Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Rezin Jackson and Mary Jackson, be, and the same is, forever dissolved, so far as relates to the said Rezin, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, February 5, 1842.

CHAPTER 141.

AN ACT for the benefit of the Coroner and Surveyor of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Greenup county may permit the Coroner and Surveyor of said county to execute their official bonds, they having failed to do so within the time prescribed by law.

Approved, February 5, 1842.

CHAPTER 142.

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AN ACT to bound the Germantown election precinct in the county of Mason.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bounds of the Germantown election precinct, in the county of Mason, shall be as follows, to-wit: beginning at the mouth of Pummell, upon the north fork of Licking; thence, crossing the north fork, to the road leading from Reed's mills to Joseph Reed's saw mill, on Shannon creek; thence in a direct course to the Mason and Nicholas county line, so as to include the late residence of Greenberry Field, deceased; thence, with said line, to the point where the same crosses Bracken creek; thence up said creek, and a branch thereof, to the Minerva road, at the farm of the heirs of Samuel Strode; thence with the Minerva to the German-town road; thence, running so as to include the farm of Worsham Anderson, to the east branch of Pummell creek; thence down said branch, and down Pummell creek to the mouth, the beginning.

Approved, February 5, 1842.

CHAPTER 143.

AN ACT for the benefit of the Sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff, or any Constable, of Ohio county, shall be allowed and authorized to collect the fines assessed by the 49th Regiment of Kentucky Militia, in the year 1840, and that the officer receiving the list of the same for collection, shall have until the next Court of Assessment for said Regiment, in the year 1842, to return his delinquent list, which shall be as valid in law as if the said return had been made, by the Sheriff of said county, to the Court of Assessment for the year eighteen hundred and forty one.

Approved, February 5, 1842.

CHAPTER 145.

AN ACT to repeal a part of an act regulating the Christian Academy, approved January 31st, 1828.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of an act, entitled, "an act to amend an act further to regulate the Christian Academy," approved January 17, 1817, which said amendatory act was approved January 31st, 1828, or so much of said act as authorizes and empowers the Trustees of the Christian Academy to appropriate a part of said building to the use of a female department of said Academy, be, and the same is here-

by, repealed, and that hereafter the buildings of said Academy shall only be appropriated to the use of a male school.

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SEC. 2. That hereafter any vacancies which may occur in the present Board of Trustees of the Christian Academy, by the death, resignation, or removal of the several members, shall not be filled until the number is reduced to nine, who shall constitute the Board of Trustees for said institution.

Approved, February 5, 1842.

CHAPTER 146.

AN ACT amending the law authorizing John M. Weddell to lay off a town on his lands, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the above recited act as requires the streets of said town to be opened as wide as the streets of the town of Somerset, be, and the same is hereby, repealed, and it shall only be required that the main street of said town shall be opened fifty feet wide, and the other streets thereof forty feet wide.

Width of streets.

SEC. 2. *Be it further enacted,* That said town shall hereafter be called and known by the name of "Harrison."

Name.

SEC. 3. *Be it further enacted,* That so much of the above recited act as contravenes the provisions of the foregoing sections shall be, and the same is hereby, repealed.

SEC. 4. *Be it further enacted,* That the election precinct heretofore held at the house of Seaton Lee, in the county of Pulaski, shall hereafter be held in the said town of Harrison, under the rules and regulations governing the same at the house of said Lee.

Election precinct changed.

SEC. 5. *Be it further enacted,* That there shall be, and is hereby, established an election precinct at the house of Benjamin Slone, in the forks of Cumberland river, in the county of Pulaski, which shall, in all respects, be governed by the laws now in force touching election precincts.

Election precinct established.

Approved, February 5, 1842.

CHAPTER 147.

AN ACT for the benefit of the town of Somerset.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the street, and parts of streets, in the town of Somerset, in the county of Pulaski, hereafter described, to-wit: the street commencing on the west side of said town, between lot No. 1 and lot No. 2, and running to the east side of said town, and ending between lot No. 76 and lot No. 75, and that part of water street commencing at the Columbia road, between lot No. 18 and lot No. 23, and

Certain streets may be sold, and purchase money how applied.

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running to the northern boundary of the town, and also the south end of the same street, from the Monticello road to the southern boundary of said town, and that part of Seminary street which is bounded on the west side by lots Nos. 55 and 56, and on the east side of lots Nos. 57 and 58, and that part of the street lying between lots Nos. 59 and 74, on the north, and 60 and 73, on the south, be permitted to remain in the possession of the proprietors, who now have them enclosed, on the following conditions: The County Court of Pulaski county shall select two disinterested housekeepers of said county, who, being first duly sworn by a Justice of the Peace, shall value the ground upon which said street, and parts of streets, are located, and the proprietors shall severally pay said valuation to the Treasurer of said town, to be expended in improvements of the streets now in use in said town.

Trustees may
convey.

SEC. 2. *Be it further enacted*, That upon the proprietors, or any of them, paying the valuation of the street, or part of street or streets, in their possession as aforesaid, then the Trustees of said town, for the time being, or a majority of them, shall convey the legal title of such street, or parts of streets, to the proprietor or proprietors, severally, so paying for the same as aforesaid.

Approved, February 5, 1842.

CHAPTER 149.

AN ACT vacating certain lots in the town of Canton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That town lots numbered nine, eleven, thirteen, and fifteen, in the town of Canton, in Trigg county, and which adjoin the farm of F. G. Noel, shall be, and they are hereby, vacated, and declared not subject to the ordinances and by-laws of said town.

Approved, February 5, 1842.

CHAPTER 150.

AN ACT to allow an additional Justice of the Peace to the county of Spencer.

WHEREAS, great inconvenience will result to the citizens of Taylorsville, in the county of Spencer, for the want of a Justice of the Peace to reside in said town—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to the county of Spencer one additional Justice of the Peace.

Approved, February 5, 1842.

LAWS OF KENTUCKY.

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CHAPTER 152.

AN ACT for the benefit of the administrator and securities of Richard Oldham, deceased.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the administrator and heirs of Richard Oldham, late of the city of Louisville, deceased, and William S. Wolford and Kadoe Morgan, the securities of said Oldham, shall be, and they are hereby, released from the penalties of a bond executed to the Commonwealth for public arms; the costs of suit, if any has been instituted, shall be paid by those defendants liable therefor.

Approved, February 5, 1842.

CHAPTER 153.

AN ACT to change the names of the children of Rachel W. Stigall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the names of the children of Rachel W. Stigall, the wife of Constantine Stigall, late Rachel W. Elrod, of Pulaski county, to-wit: Michael Thomas Elrod, Eliza Ann Elrod, Elizabeth Potter Elrod, and Fountain Fox Elrod, shall be, and the same are hereby, changed to Michael Thomas Stigall, Eliza Ann Stigall, Elizabeth Potter Stigall, and Fountain Fox Stigall, and said children are hereby declared capable of taking by inheritance the estate of said Constantine Stigall.

Approved, February 5, 1842.

CHAPTER 154.

AN ACT to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henry Bohannon, James Ford, James Clayton, John M. Ogden, John G. Farmer, Cary White, and Jason Chamberlin, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the Six Mile Academy, and by that name shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

SEC. 2. That the fee simple title to the lands or other property granted, or which may be granted, for the benefit of Six Mile Academy, shall be vested in said Trustees and their successors, who shall appropriate the uses, profits and advantages thereof to the support of education in said Academy.

SEC. 3. The Trustees, by the name aforesaid, may sue and be sued in any court of law or equity; they may elect a President or other officers of their own body, and upon the death,

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resignation, removal, or disability of any of the Trustees, the remaining Trustees shall fill the vacancy by ballot; and they shall have power, from time to time, to establish such by-laws and regulations as they may think necessary, not contrary to the constitution and laws of this Commonwealth, for the government of said Academy.

Approved, February 5, 1842.

CHAPTER 155.

AN ACT for the benefit of the widow and heirs of Asa Pittman, deceased, and James Frazer.

WHEREAS, it is represented to this General Assembly, that Asa Pittman, in his life time, in the year 1836, by verbal contract, sold to one Eli Wheat a certain parcel of ground containing about thirty-five acres, with the improvements thereon, situate in the county of Adair, and adjoining the town of Columbia, at the price of one thousand five hundred dollars, five hundred dollars of which has been paid, and the remainder of the purchase money, with its interest, yet remains unpaid; and further, that the said Eli Wheat, the purchaser, has sold the said lot of ground and improvements to one William W. Page, who sold, in like manner, to James Frazer, who is now in possession of the land and improvements, and is willing to pay the residue of the consideration due for said lot of ground and improvements, provided a title can be made to him by the widow and heirs of said Asa Pittman; and that it will redound to the interest of said heirs to confirm said sale; and some of the children and heirs of said Asa Pittman being infants, and unable in consequence thereof to make conveyance—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Nancy Pittman, the widow of said Asa Pittman, deceased, and such of the children and heirs of said Asa as may have arrived to the age of twenty-one years, on their own behalf, and the said Nancy, as the mother and next friend of such of the children and heirs of said Asa as may be minors, to file their petition in the Circuit Court of Adair county, in which petition the said Nancy and the adult heirs, shall state their willingness, or unwillingness, to confirm the aforesaid verbal contract of sale, and to convey the same to said James Frazer, upon the payment of the remainder of the consideration due for the same; and for the said Nancy to state further, her opinion as to the fact whether it would be to the interest of the infants, as well as adult heirs, to ratify said verbal contract and make a conveyance of the lot of ground and improvements, which petition shall be sworn to by said Nancy, and shall describe the land sold by proper boundary, or refer to

Widow to
file petition.

Contents.

Petition to be
sworn to.

and make the deed to said Asa Pittman, deceased, part of said petition.

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SEC. 2. That on the filing of said petition it shall be lawful for said court, and said Frazer being sworn and consenting to the confirmation of said sale, by proof made in court, orally or by deposition or affidavit, to institute an inquiry whether it will, in its opinion, be to the interest of the infant heirs of said Asa Pittman to confirm said sale, and to make a decree confirming said sale, and directing a conveyance of the said lot of ground and improvements to be made to the said James Frazer, on the payment in court of the balance of the sum due, and the interest.

Duty of the court.

SEC. 3. That upon, or before, entering said decree, the said Circuit Court shall appoint a guardian to the infant heirs of said Asa Pittman, who shall, before said court, enter into bond in double the amount due to said infants of said purchase money, payable to them jointly and severally, with one or more good securities, conditioned to pay to each of them respectively the portion to which each will be entitled under the statute of distributions, on their arrival respectively at the age of twenty-one years, together with such interest as the same may produce; and, upon the execution of such bond, the said guardian shall receive the portion due to said infants of said sum; and to the said widow and heirs, which are of full age, shall receive their respective portions, agreeably to the statute of distributions.

Guardian to be appointed to infants.

Conditions.

SEC. 4. That it shall be the duty of said court, in case the sale shall be confirmed, to appoint a Commissioner to convey, as well on the part of said adults as the infant heirs of said Asa Pittman, which conveyance, when made and acknowledged before said court, shall be effectual in law and equity to pass the title to said Frazer.

Court to appoint a com'r to convey.

Approved, February 12, 1842.

CHAPTER 156.

AN ACT to allow John Fonda to adopt his nephew, John Edwin Blumenthal, as his son.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John Fonda to go before the County Court of Jefferson county, and to declare of record, that he does adopt John Edwin Blumenthal, his nephew, a minor, to be his son, and his lawful heir, as if said John Edwin had been his begotten son; and upon this being done, the said Fonda, and the said John Edwin, shall stand and be held in the relation of father and son in all civil respects whatever, and the name of said John Edwin Blumenthal shall then be changed to John Edwin Blumenthal Fonda.

Approved, February 12, 1842.

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CHAPTER 157.

AN ACT to amend the charter of the city of Maysville.

WHEREAS, it is represented that offenders often escape out of the city of Maysville, after violating its laws, and go unwhipt of justice, because the Marshal is not authorized to execute process or levy execution beyond the city limits—for remedy whereof,

In what cases
city Marshal
may execute
process.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, in all cases in which the Mayor of said city would have jurisdiction by law of any offence committed within the city, or in civil cases in which process has issued and been served within the limits of the said city, it shall be lawful for him to direct additional or final process to the city Marshal, who may execute the same upon the person or property, whether found within or without the bounds of the said city, and the same shall be as valid as if executed within the city limits, any law to the contrary notwithstanding.

Mayor may
issue execution.

SEC. 2. That the aforesaid Mayor may issue execution against the estate of any person, or persons, to any Constable or Sheriff of any other county, upon judgment rendered by him.

Approved, February 12, 1842.

CHAPTER 158.

AN ACT for the benefit of Christopher A. Rudd's widow and children.

Preamble.

WHEREAS, it is represented to the General Assembly, that Doctor Christopher A. Rudd, of the county of Washington, died on the — day of December, 1840, after having made and published his last will and testament, by which he constituted Ann B. Rudd, his widow, his sole executrix thereof, to be advised and controlled in the settlement of the business of the estate by Robert C. Palmer and John B. Smith, leaving four children, three of whom are infants; that he was possessed of a tract of land in the county of Washington, near Springfield, containing two hundred and fifty or two hundred and seventy acres, and some slaves and other personal property; that the said Ann B. Rudd qualified as executrix under said will; that she has disposed of the personal property and two of the slaves, and applied the proceeds of the sale thereof to the discharge of the debts due therefrom; that there are yet outstanding debts unpaid against said estate, the precise amount of which is unknown, supposed to be at least three thousand dollars, in order to pay which, it will be necessary to dispose of all the slaves, or nearly so: it is further represented that the negroes are young, very productive, and yielding a very considerable income to the estate, annually; and that the land, which is proposed to be sold, is in an unproductive

state, yielding no income to the estate, and consequently it would be to the advantage of the widow and heirs to reserve the slaves and make sale of the land—wherefore

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon a petition being filed by the executrix of the said decedent in the Washington Circuit Court, making the children of said decedent, and Robert C. Palmer and John B. Smith parties thereto, setting forth the amount of debts due and owing from the estate, as well as the true situation of the estate, and that it would be to the advantage and interest of the widow and heirs that the balance, thus owing from the estate, should be raised by a sale of the two hundred and fifty or two hundred and seventy acres of land, instead of selling the slaves; it shall be the duty of the said Washington Circuit Court to appoint two or three fit persons, as Commissioners, to examine the land and slaves; whose duty it shall be to report to the court which, in their opinion, will most promote the interest of the widow and heirs, a sale of the land or slaves, and hear such evidence as may be produced by the parties; and if the said Circuit Court, on mature consideration thereof, shall be of opinion that it is necessary to sell the land or negroes, aforesaid, to satisfy the outstanding debts, and that the interest of the widow and heirs will be more advanced by a sale of the land than by a sale of the negroes, immediately, at the first term, if the proper parties are before the court, and the same be consistent with the rights of the parties, to decree a sale of the land, as aforesaid, upon such credits as said court shall consider best calculated to advance the interest of the parties concerned, and appoint a Commissioner to sell and convey the same.

SEC. 2. That if, after the sale of the land as aforesaid, and an application of the proceeds thereof to the payment of the debts against the estate, there should be a surplus left, the said Ann B. Rudd shall have the right, with the advice and consent of the said Robert C. Palmer and John B. Smith, to apply such surplus towards the purchase of a residence for herself and children, where she may think best, and take the title therefor in her own name and in the names of her children, to be held by them in like manner as is provided by said testator's will in regard to the land hereby authorized to be sold.

SEC. 3. That the said executrix shall, in the Circuit Court, before receiving the money arising from the sale of the land aforesaid, give bond to the Commonwealth of Kentucky, with security, to be approved by the court, and in such penalty as the court shall think proper, for the faithful application of the money arising from said sale to the payment of said debts, and the investment of the residue thereof in the purchase of a residence for herself and children, as above provided for, or otherwise duly accounting for such residue to her children aforesaid.

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Petition to be filed.

Allegations.

Duty of court to appoint commissioners.

Court may decree a sale.

Surplus how to be applied.

Executrix to execute bond.

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CHAPTER 159.

AN ACT for the benefit of Andrew J. James.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue a warrant on the Treasury in favor of Andrew J. James for the sum of forty dollars, for services as Attorney for the Commonwealth, *pro tem.*, in the twelfth Judicial District, to be paid out any money in the Treasury not otherwise appropriated.

Approved, February 12, 1842.

CHAPTER 160.

AN ACT for the benefit of the heirs and legal representatives of John Hall and Jacob Castleman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the heirs and legal representatives of John Hall and Jacob Castleman shall be, and they are hereby, forever released and discharged from a bond executed by said Hall and Castleman on the 20th day of May, 1818, to the Commonwealth of Kentucky, for the return of certain public arms, and the said bond is hereby declared null and void.

Approved, February 12, 1842.

CHAPTER 161.

AN ACT allowing additional Constables to the counties of Spencer and Muhlenburg.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Justices of the County Court of Spencer county are hereby authorized to appoint a Constable in Spencer county, to reside on the south side of Salt river, and in the neighborhood of George K. Stone, Esq.

SEC. 2. That one additional Constable shall be allowed in the county of Muhlenburg, to be appointed in the Rumsey district.

Approved, February 12, 1842.

CHAPTER 162.

AN ACT for the benefit of the Clerk of the Garrard County Court.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Alexander R. McKee, Clerk of the Garrard County Court, failed to renew his official bond within the time prescribed by law, but at a County Court held for said county, on the thirteenth day of September, 1841, he, together with Jesse Yantis, James Beasley,

Jones L. Adams, Walter B. Middleton, and Roy Stewart, his securities, executed and acknowledged a bond in the penalty required by law, a copy of which was entered of record in said court, and the original filed with the Clerk of the Court of Appeals—for remedy whereof,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said bond, so executed, as aforesaid, shall be as valid and effectual from the date and acknowledgment thereof, as if the same had been executed within the time now prescribed by law, and that no penalty or forfeiture shall be incurred by said Clerk on account of the failure aforesaid.

SEC. 2. *Be it further enacted*, That the said Clerk shall hereafter renew his official bond within five years from the date of the bond executed on the 13th day of September, 1841.

Approved, February 12, 1842.

CHAPTER 163.

AN ACT for the benefit of Lewis Justice, David Ford, Isaac Taylor, and Joshua Robinson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if it shall appear satisfactorily to the Judge of the Pike Circuit Court, that David Ford, Lewis Justice, Joshua Robinson, and Isaac Taylor, are idiots, living in said county, and were so on the 1st day of April, 1840, and continued to be, and remain in the same state of mind, until the 1st day of June, 1841; and if it shall also appear to said court, that during that time, or any portion thereof, the committee or committees of said idiots, or either of them, have not drawn compensation from the Treasury for keeping and maintaining them, or either of them, then it shall and may be lawful for the Judge of said court to make an allowance in favor of the committee or committees of said idiots, to be paid out of the Treasury of this State, for such sum or sums, at a rate not exceeding fifty dollars per annum, as may remain unpaid for such services to said idiots or either them.

Approved, February 12, 1842.

CHAPTER 164.

AN ACT to vacate a part of the town of Westport, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the bounds of the town of Westport, in Oldham county, shall, hereafter, be as follows, viz: beginning on the Ohio river at the present northwestern corner of said town; thence with the town line east to the west side of fourth cross street; thence south with said street to the south line of Clinton street; thence with Clinton street

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to the eastern limits of the town; thence with the present town line, south and west, excluding the streets to the north line of Jefferson street; thence with Jefferson street west to the west line of front street; thence with front street south to the north line of Warehouse street; thence with Warehouse street to the west line of Short street; thence with Short street to Eighteen mile creek; and thence down said creek, with the meanders, to the mouth, and up the Ohio river to the place of beginning; and all of said town lots, streets, and alleys, not included in the foregoing boundary, is hereby vacated—this act is not in anywise to effect any established road.

SEC. 2. *Be it further enacted*, That if it shall not be convenient to hold elections at the court house in Westport, then the elections may be held at the house now occupied by Seth Carrington, or at such other place in Westport as the officers of the election may select.

Approved, February 12, 1842.

CHAPTER 169.

AN ACT for the benefit of the Clerk of the County Court of Fleming, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the County Court of Fleming, a majority of all the Justices in commission for said county being present, to order to be paid out of any money, not otherwise appropriated, arising from the county levy of said county, such sum as they shall deem an adequate compensation for preparing a general index, alphabetically arranged, of all conveyances of record in said office, with reference to both vendor and vendee, mortgagor and mortgagee.

SEC. 2. *Be it further enacted*, That the further time of one year, from and after the passage of this act, be, and the same is hereby, allowed to the County Courts of this Commonwealth to procure, for their respective counties, a proper standard of weights and measures.

Approved, February 12, 1842.

CHAPTER 170.

AN ACT to repeal an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to reduce the number of Justices of the Peace in Anderson county, approved, February 16th, 1841, be, and the same is hereby, repealed, and that two additional Justices of the Peace be allowed to said county.

Approved, February 12, 1842.

CHAPTER 171.

AN ACT act for the benefit of John Hockersmith.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue a warrant on the Treasury of this State in favor of John Hockersmith for the sum of seventy dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 12, 1842.

CHAPTER 172.

AN ACT to authorize the Trustees of the town of Lancaster to sell certain alleys in said town, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Trustees of the town of Lancaster to sell, either at public or private sale, and upon such credits as to them shall seem expedient, all or any of the alleys of said town, running from Buford, Pauling, Campbell, or Water streets of said town, to the original boundary of said town: *Provided*, the owner or owners of the lots between which said alleys pass, consent to such sale; and the Trustees aforesaid are hereby vested with full power and authority to execute deeds of conveyance to the purchasers of the alleys aforesaid, to be recorded as other deeds, in the Clerk's office of the Garrard County Court.

SEC. 2. *Be it further enacted*, That the County Court of Floyd county be, and is hereby, authorized to establish new roads, and to abolish old roads, at any time when as many as seven of the Justices of said county are present, and a majority of said court concurring in said location and changes.

Floyd county
ct. may change
roads.

Approved, February 12, 1842.

CHAPTER 173.

AN ACT to extend the Constable's district including the town of Breathitt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's district including the town of Breathitt, in the county of Breathitt, be, and the same is hereby, extended two miles from the boundary of said town, and the Constable for said district shall reside within the bounds of the same.

Approved, February 12, 1842.

CHAPTER 174.

1842

AN ACT for the benefit of the Constable in the district of Sovereign Popplewell, a Justice of the Peace of Wayne county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Constable in the district of Sovereign Popplewell, a Justice of the Peace in Wayne county, may reside any where in said county west of Monticello.

SEC. 2. *Be it further enacted*, That the Constable's district, in the county of Adair, in which Hamilton N. Owens resides and acts as Constable, shall be, and the same is, so extended as to include the town of Columbia.

Approved, February 12, 1842.

CHAPTER 175.

AN ACT to establish the county lines between the counties of Greenup, Carter and Lawrence.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That General John Pouge of Greenup county, Thomas T. Hord of Carter county, and James Pritchard of Lawrence county, be, and they are hereby, appointed Commissioners to survey and mark the boundary line between the counties of Carter and Greenup, making the mouth of Savage creek the place of beginning; also, to survey and mark the boundary line between Carter and Lawrence counties, making the mouth of White's creek the place of beginning.

SEC. 2. The Commissioners hereby appointed, shall meet at the mouth of Savage creek on the second Monday in May next, or as soon thereafter as convenient, and shall appoint a competent person to act as surveyor, and two competent persons to act as chain carriers; the commissioners, surveyor and chain carriers, shall then make oath, before some Justice of the Peace, that they will truly, faithfully, and to the best of their skill and knowledge, in their respective capacities, run and mark the dividing line between the said counties of Carter and Greenup, pursuant to the statute in that case made and provided, a duplicate certificate of which oath shall be made out by the Justice before whom it shall have been taken, one of which shall be returned by him to the County Court of Greenup county, and the other to the County Court of Carter county, and shall be by said courts noted upon their order books, and filed in the archives of said counties.

SEC. 3. Said Commissioners, with their surveyor and chain carriers, shall proceed to survey, mark and well define the division line between said counties of Carter and Greenup, and shall make their report thereof to the County Courts of said counties, respectively, in which reports they shall clearly set

Com'rs appointed.

Commissioners to meet, where & when, and appoint a surveyor, &c.

Com'rs to return a report to court.

forth the courses and distances, with the natural and artificial monuments upon said line, and how the same are marked.

SEC. 4. In like manner the said Commissioners, or a majority of them, shall meet at the mouth of White's creek on the second Monday in June next, or as soon thereafter as convenient, and shall appoint a surveyor and chain carriers, all of whom shall make oath, before some Justice of the Peace, that they will truly, faithfully, and to the best of their skill and knowledge, in their respective capacities, run and mark the division line between the counties of Carter and Lawrence, in pursuance of the statute in that case made and provided, a duplicate certificate of which oath shall be made out by the Justice before whom the same shall be taken, one of which shall be returned to the County Court of Carter county, and the other to the County Court of Lawrence county, and shall be by said courts noted upon their order books, and filed among the archives of the county; and said Commissioners shall, in all things, govern themselves by the provisions of the third section of this act, in running and marking said line.

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Commissioners to run the line between Carter & Lawrence, when & where to meet.

SEC. 5. The County Courts of Greenup, Carter and Lawrence shall, each, enter the proceedings of said Commissioners upon their respective order books, and thereafter the division lines of said counties shall be established as surveyed, marked, and reported, by said Commissioners, who, together with said surveyor, shall be each allowed two dollars per day, and the chain carriers each one dollar per day, during the time they may be engaged in running said lines, to be paid by the counties interested, in equal portions.

Compensation to surveyor &c.

SEC. 6. That in the event of either of said Commissioners neglecting or refusing to perform the duties required by this act, the County Court of the county in which such Commissioner may reside shall appoint some other fit person to act as Commissioner in his stead, who shall, in all things touching his acts, be governed by the provisions of this act.

Vacancies, how filled.

SEC. 7. *Be it further enacted*, That nothing herein contained shall authorize or require the said Commissioners to run and mark any portion of the said lines where there is a creek, or other plain natural boundary.

Approved, February 12, 1842.

CHAPTER 176.

AN ACT to enlarge the Constable's district in the town of Monticello.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following shall be the boundary of the Constable's district of the town of Monticello, to-wit: beginning at Rane McKinny's, including him; thence to William Collitt's, including him; thence to the residence of Shelby Coffey; thence, passing by his store, to Phillip's oil mill; thence, with the Elk ridge, to the late residence of Da-

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vid Smith; thence to Martin Beaty's; thence to John Heavin's, including him; and thence to the beginning: *Provided*, that the Constable in the district of Joshua Oats, Esq., may reside where he does at present.

Approved, February 12, 1842.

CHAPTER 177.

AN ACT to establish an election precinct in Fleming county, and for other purposes.

Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be, and is hereby, established in Fleming county, and that the place of voting be at the house of William M. Phillips, on Foxe's creek, in said precinct, and that the Poplar Plains election precinct in said county be abolished.

Bourbon.

SEC. 2. *Be it further enacted*, That the place of voting in the Millersburg election precinct, in Bourbon county, shall be at the house of James Bassett.

Approved, February 12, 1842.

CHAPTER 178.

AN ACT to change the place of voting in certain election precincts in the counties of Lewis, Knox and Shelby.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act the place of voting, at Joseph Staggs', in the Laurel Fork election precinct, in the county of Lewis, be, and the same is hereby, changed to the house of Josiah W. Staggs, in said precinct.

SEC. 2. *Be it further enacted*, That the election precinct held at Daniel Baker's, on Stinking creek, and the election precinct on Greasy creek, in Knox county, be, and the same are hereby, abolished, and there shall be, and is hereby, established an election precinct, in said county, at the Flat lick.

SEC. 3. *Be it further enacted*, That the place of voting in the Christiansburg precinct, in Shelby county, be changed from the house formerly owned and occupied by Isaac Baker, to the house now occupied by John W. Kyle, in said town.

Approved, February 12, 1842.

CHAPTER 179.

AN ACT to incorporate the Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Nathan Board, Rowland Hughes, and William A. Seaton, and their successors, on the part of the Hardinsburg Masonic Lodge, and Vivion Daniel, Matthias Miller, Morris Hensley, Elijah R. Eskridge, Williamson Cox, John McClarty, and Jesse W. Kincheloe, and their successors, on the part of the Hardinsburg Methodist Episcopal Church, be, and they are hereby, created a body politic and corporate by the name of "The Trustees of the Hardinsburg Methodist Episcopal Church and Masonic Hall," and, by that name, are hereby authorized and empowered to receive a conveyance of a lot of ground in the town of Hardinsburg, by them heretofore purchased, and to hold the same, with its appurtenances, to the joint use of the said Methodist Episcopal Church and Masonic Hall; and by and in that name, shall and may sue and be sued, plead and be impleaded, for any money due from or to them, and for any injury or damage done to any property belonging to said Trustees.

Approved, February 12, 1842.

CHAPTER 182.

AN ACT for the benefit of the Preachers' Aid Society of the Kentucky Conference.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for "The Managers of the Preachers' Aid Society of the Kentucky Conference," and their successors in office, to receive donations or devise for the benefit of the itinerent Ministers of the Methodist Episcopal Church, their wives, widows, or children, and to invest the money that may arise therefrom, in such manner as to create a permanent fund, for the purpose aforesaid only; and, in furtherance of this object, the said Managers may, by the style aforesaid, make contracts and have contracts made with them, and sue and be sued in any court of justice; and they may appoint such officers as may be necessary to carry out the object aforesaid, and may take from their Treasurer a bond, with surety, for the faithful performance of his duty.

Style.

May receive donations and devise.

Money, how to be invested.

Managers—their powers.

Approved, February 15, 1842.

CHAPTER 183.

1842

AN ACT authorizing Joel P. Williams and others, to sell a certain church in Harrodsburg.

Trustees to convey by deed

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Joel P. Williams, Elias Passmore, John W. Cardwell, John L. Smedley, and Christopher Chinn, Trustees for the Harrodsburg Church, or a majority of them, to convey, by deed, all the right, title, interest and privilege that the Methodist Episcopal Church has, in law or equity, in and to a small lot of ground, and a house of worship erected on the same, in said town of Harrodsburg, being the same lot of ground conveyed to said Williams, Passmore, Cardwell, Smedley, and Chinn, as Trustees of said Church, and others, by John J. Allen, Philip T. Allen, and Benjamin C. Allen, executors of Thomas Allen, deceased, by deed dated 27th of August, 1837, which deed is of record in the Clerk's office of the County Court of Mercer, which conveyance shall be made to the person or persons to whom the Trustees of said Church shall, by their order, to be entered on the record book of the County Court of Mercer, direct, and the conveyance, when so made, shall vest in the person or persons to whom the same shall be made, all the right, title, interest and privileges that the said Methodist Episcopal Church now has, in law or equity, to the same, or to use and enjoy the same for a house of worship, in as full and ample a manner as said Church now has in the same.

Conveyance, to whom to be made.

SEC. 2. That the money or property that said Church may get for their interest in said house and lot, shall be appropriated by them to the payment of the debt they are owing for work done on the new meeting house they have recently built in said town; and said Trustees shall pay the proceeds of said house and lot to such person or persons as the Trustees of said Church may direct.

Money or property, how to be applied.

SEC. 3. That nothing in this act contained shall effect the right and privilege which any other sect of Christians may have in said house.

Approved, February 15, 1842.

CHAPTER 186.

AN ACT for the benefit of Anderson Wade.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Anderson Wade and his wife, America Wyatt Wade, be, and the same is hereby, dissolved, so far as relates to the said Anderson, who is hereby restored to all the rights and privileges of an unmarried man.

Approved, February 15, 1842.

CHAPTER 187.

1842

AN ACT for the benefit of Paulina G. Rodes and her children.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Madison Circuit Court is hereby vested with jurisdiction of any petition filed by Paulina G. Rodes, by her trustee, Cassius M. Clay, and of her children, Green C. Rodes, Eliza Rodes, Sally Rodes, Martha G. Rodes, Isabella Rodes, Paulina Rodes, and William Rodes, Jr., by their testamentary or other statutory guardian, for the sale of some two hundred acres of land, lying in said county of Madison, known as Rodes' Quarter, and which land was devised to said Cassius M. Clay, by Green Clay, for the benefit of said Paulina G. Rodes and her children; and if said court shall deem said sale advisable and conducive to the interest and advantage of said Paulina G. Rodes and children, such sale shall be decreed by said court, and cause a deed for said land to be made by a commissioner; and to said petition, the husband of said Paulina G. Rodes shall be made a party, complainant or defendant.

Madison circuit vested with jurisdiction.

Court may decree sale.

SEC. 2. That should said land be sold under a decree, as above allowed, then, and in that case, the proceeds of said sale shall be applied, under the direction of said court, to the purchase of the tract of land on which William Rodes and his wife, said Paulina G. Rodes, now reside, of about one hundred and thirty acres, together with all the improvements thereunto belonging, to be held by her and her children, upon the same terms and conditions of trust and inheritance that now attach to the land sought to be sold, as expressed and given in the last will and testament of said Green Clay.

Proceeds of sale how to be applied.

How to be held.

Approved, February 15, 1842.

CHAPTER 190.

AN ACT for the benefit of the widow and heirs of George W. Hoy, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the administrator of the estate of George W. Hoy, deceased, late of Simpson county, may file his bill in chancery in the Simpson Circuit Court, making the widow and heirs of the late George W. Hoy, defendants, in which, he shall, under oath, state the debts due from said estate in detail, the assets he has received and how disposed of, and the property, real and personal, (slaves included,) belonging to said estate; and on the return of process served on the defendants, ten days before the return day thereof, and the answer of the widow filed, under oath, the said Circuit Court may appoint a guardian *ad litem*, for the infants, who may answer instant; and the said Circuit Court, at its first term, when all the requirements herein have been complied with, shall hear the cause, and if the court shall be satisfied that the as-

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sets of the estate are insufficient, without the slaves, to pay the debts of the estate, and that no loss or injustice will be done in selling the landed property of said estate, instead of the slaves, then said court may decree a sale and conveyance of the landed property of said estate, under such terms as may be just, requiring of the administrator such additional bond and security as will insure the faithful application of the proceeds of the sale of [said] landed estate.

Approved, February 15, 1842.

CHAPTER 192.

AN ACT for the benefit of Mary Hall and her children.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Mary Hall to exhibit, on oath, in the Mason Circuit Court, her bill of complaint, alledging that she is the widow of Joseph Hall, deceased; that he died intestate, and seized of a lot of ground fronting on Fourth street in the city of Maysville, about twenty three feet, and running back same width one hundred and sixty feet, with a small brick mansion house thereon in an unfinished condition, and requiring further work thereon so as to make it conveniently tenantable; that said decedent left two infant children, to-wit: Mary Jane Hall and Elizabeth Rachel Hall, who are her children also, and constitute the whole of his heirs, and that he died seized of no other real estate, and the personal estate left by him has been exhausted in the payment of said decedent's debts; that in her opinion a sale of such portion of said lot as would be adequate to the completion of said brick house would redound to the permanent welfare of said children; and upon filing said bill, containing said allegations in substance, and making said infants defendants thereto, by the due service of process, said court shall cause them to appear by a guardian *ad litem*; and if said court shall be satisfied by proofs taken in open court, or by way of depositions, that the allegations are substantially true, and that a due regard to the permanent advantage of said infants will justify a sale of a part of said lot, and an application of the proceeds to the completion of said building, then the court shall decree such sale and disposition of the proceeds by a Commissioner of the court, or by a decree cause said proceeds to be paid to said Mary Hall, taking from her a bond in a sufficient penalty, and with approved security, and conditioned to apply such proceeds of sale to the completion of said house in such manner as the court may direct, or so much of said proceeds as may be necessary for that purpose, and the surplus, if any, pay to said infants as they may severally attain to the age of twenty one years; and, in the meantime, comply with any order which said court may make in regard to said surplus, and also render to said court, when called on, a just account of the dis-

May file bill
in chancery.

Infants to ap-
pear by guar-
dian.

Court may
decree sale.

Proceeds to
whom paid.
Bond to be
executed.

bursements of said proceeds of sale, whether in the completion of said house, or in the disposition of said surplus in payments to said infants when they may become of age, or payments made in conformity to any order of said court.

SEC. 2. *Be it further enacted*, That said court shall cause a deed to be made to the purchaser, upon the payment of the purchase money, for so much of said lot as may be sold under this act, and require a report from said Commissioner of his proceedings under said decree; and said court shall make such other orders and decrees in said suit as may be necessary and proper to effectuate the purposes contemplated by this act.

Court to cause
deed to be
made.

Approved, February 17, 1842.

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CHAPTER 193.

AN ACT for the benefit of John S. Bush.

WHEREAS, it is shown to the General Assembly of the Commonwealth of Kentucky, that the Trustees of the First Baptist Church of Covington, Kentucky, were, by a regular vote and order of said church, authorized and empowered to sell and convey one acre of ground situated in said city of Covington; and said Trustees did sell to John S. Bush one acre of ground, known as the "reserve of one acre," in the plan and plat of that tract of land sold and conveyed to John P. Foot by the Western Baptist Theological Institute: and, whereas, the said John S. Bush has paid to the said church the sum of fourteen hundred dollars for said acre of ground, and the said Trustees have conveyed said land to him and his heirs, but there being doubts whether said sale and conveyance have vested in said Bush a full and complete legal title to the said land, and the said church, by an order on their record, having petitioned the Legislature to authorize the said Trustees to convey to said John S. Bush the aforesaid one acre of land—therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the First Baptist Church of the city of Covington, Kentucky, be, and they are hereby, authorized and empowered, by deed, to release, confirm, and convey, to the said John S. Bush and his heirs the said one acre of land, being in said city of Covington, and known as the "reserve of one acre," in the plan and plat of the tract of land sold and conveyed to John P. Foot by the Western Baptist Theological Institute, and said deed of release, confirmation, and conveyance, when made, shall vest in said Bush and his heirs, a full and absolute estate in fee simple to all intents and purposes.

Trustees of
church to con-
vey said land.

Approved, February 17, 1842.

CHAPTER 195.

1842

AN ACT for the benefit of Charles B. May, Surveyor of Spencer county.

WHEREAS, It is represented to the General Assembly, that Charles B. May, the Surveyor of Spencer county, has failed to renew his official bond as required by law—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Surveyor be permitted to execute an official bond in the County Court of said county, with two or more sufficient securities, to be approved of by said court, with the like penalty and condition as is now required by law, which bond shall be made payable to the Commonwealth of Kentucky, and may be executed at the April or May term of said court, in the year eighteen hundred and forty two, and shall be as valid to all intents and purposes as if the same had been executed at the time and in the manner heretofore required by law.

Approved, February 17, 1842.

CHAPTER 196.

AN ACT for the benefit of William B. Dunlap.

May file petition in chancery.
Allegations.

Proceedings to be had.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Thomas G. Dunlap to file, on oath, his petition in the Shelby Circuit Court, stating, in substance, that he is the father and statutory guardian of William B. Dunlap, the infant son of Catherine Dunlap, the wife of said Thomas G. Dunlap; and that he and said William B. Dunlap are tenants in common, or coparcenary of a certain negro woman, named Rena, and her two infant sons, Henry and Hampton, and that by reason of her vicious temper and ungovernable nature, a conjoint sale of the interests of said Thomas G. Dunlap and William B. Dunlap in said negroes will redound to the permanent advantage of said William B. Dunlap; and in regard to said petition, the said court shall have the same powers, and the same proceedings shall be had, in every respect, as are prescribed in relation to petitions by guardians for sale of lands by “an act vesting jurisdiction in Circuit Courts to authorize the sale of the real estate of infants in certain cases,” except that it shall not be necessary for said court to ascertain by Commissioners, or otherwise, the amount and value of the real and personal estate of said William B. Dunlap.

Approved, February 17, 1842.

CHAPTER 198.

1842

AN ACT for the benefit of Jacob Mayo, late Clerk of Floyd Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Mayo, late Clerk of the Floyd Circuit and County Courts, shall have the further time of six months, from the passage of this act, to issue any fee bills that may be due him, which fee bills, when issued, shall have the same force and effect as if issued in the time prescribed by law; and said Mayo shall, in all respects, be liable for issuing any illegal fee bill or fee bills, under the existing laws, as though this act had not been passed.

Approved, February 17, 1842.

CHAPTER 199.

AN ACT to incorporate the Trustees of the Parsonage of the Mountsterling Circuit of the Methodist Episcopal Church.

WHEREAS, it is represented to the present General Assembly, that the members and friends of the Methodist Episcopal Church, in the Mountsterling district, have purchased a lot of ground in the town of Mountsterling, and have a parsonage erected thereon, and are desirous to have the right to hold said lot and house, by Trustees, for the better carrying out the intention of those who purchased the same—

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William T. Redman, Ennis Combs, Hayden Wyatt, Robert P. B. Caldwell, and Alexander Lindsey, Jr., and their successors in office, be, and they are hereby, appointed a body politic and corporate, under the name and style of "the Trustees of the Mountsterling Circuit Parsonage;" and by that title, may take and hold a lot of ground in the town of Mountsterling, not exceeding two acres, and may have erected thereon suitable houses for the accommodation of a family, or purchase, or take by deed, a lot with buildings already erected thereon; and may hold the same to and for the use of the Minister of the Methodist Episcopal Church, who may, from time to time, be appointed, under the regulations of said church, to travel and preach in the Mountsterling Circuit, by whatsoever name it may be called; and said Trustees shall also have authority to take, by purchase or gift, such articles of household furniture as may be necessary for the comfort and convenience of a family, to be held in like manner, and for the like uses and purposes; and said Trustees shall have power to sue for all injuries done to any of said property.

Style.

Powers.

SEC. 2. That when any vacancy shall happen in the Board of Trustees, aforesaid, the same shall be filled by the Quarterly Conference for said Mountsterling Circuit.

Vacancies how to be filled

Approved, February 17, 1842.

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CHAPTER 200.

AN ACT for the benefit of the heirs, legal representatives, and securities of George A. M. Elder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the heirs and legal representatives of George A. M. Elder, and his securities, be, and they are hereby, forever released and discharged from a bond, executed by said Elder, and his securities, to the Commonwealth, on the 18th of May, 1833, for the delivery of certain public arms, and the said bond is hereby declared null and void.

Approved, February 17, 1842.

CHAPTER 201.

AN ACT for the benefit of Benjamin Doom and Jonathan Simpson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Doom and Jonathan Simpson be, and they are hereby, forever released from a bond executed by them, on the 31st day of March, 1817, to the Commonwealth of Kentucky, for the return of certain public arms, and the said bond is hereby declared null and void.

Approved, February 17, 1842.

CHAPTER 202.

AN ACT to incorporate the Paducah Baptist Church.

WHEREAS, it is represented to the present General Assembly, that the Paducah Baptist Church have heretofore subscribed a large amount of money for the purpose of building a church in said town, and have purchased lot No. —, in the old part of said town, on which they are now erecting a building for the purpose of public worship by said church, and that a portion of said subscription money yet remains unpaid—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Braxton Small, S. M. Purcel, John L. Smedley, John Hamilton, and John McElya, and their successors in office, be, and they are hereby, created a body corporate and politic, by the name and style of the Trustees of the Paducah Baptist Church; and by that name to have perpetual succession, with all the powers incident to a corporation, for the purposes of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities, of said church, which now do, or may, or shall hereafter, belong to the same; also to buy and receive conveyances for any lot or lots, or other real estate, which may have been purchased heretofore by the

Incorporated.

Corporate powers.

Trustees of said church, or other persons for the use of the same, or which may hereafter be given or devised to them for the use of said church, all of which said property shall pass to them and their successors in office forever, pursuant to the desire or the express limitation of the donor or grantor.

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SEC. 2. That those persons who purchased said lot, so built upon as aforesaid, are hereby vested with power and authority to deed said lot, or part of lot, to the Trustees herein named, and their successors in office, which deed to be made and acknowledged and recorded as other deeds of real estate under the laws of this State.

Deed to be made.

SEC. 3. That the said Trustees, hereby appointed, shall continue in office so long as they shall continue to be members of said church, unless they shall sooner resign or refuse to act; and whenever vacancies may occur, it shall and may be lawful for the same to be filled, pursuant to said church discipline, and the rules and regulations of said Trustees.

Vacancies how filled.

SEC. 4. That a majority of said Trustees shall, at all times, constitute a quorum to do business; and as such, it shall be their duty, and they are hereby authorized and empowered to keep a fair record of all their proceedings, and to appoint all such officers as they may see proper and fit, in pursuance of their said discipline; and to pass all such by-laws and regulations relative to the government and control of said building and church as they may think proper, not inconsistent with the constitution of the United States, of this State, and the laws of the same.

Majority to act, and to keep record of proceedings.

SEC. 5. That those persons to whom said subscriptions, for the building of said church, are made payable, are hereby authorized and required to collect the same by suit, or otherwise, for the use and benefit of said church, and for no other purpose; and when collected, they are hereby required to pay the same over to said Trustees for the use of said church,

May sue for subscriptions.

Approved, February 17, 1842.

CHAPTER 203.

AN ACT for the benefit of Lucy B. Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Lucy B. Green to file her bill in chancery for a divorce, in the Russell Circuit Court, against her husband, Henry L. Green, alledging therein, upon oath, her grounds for a divorce; and it shall be lawful for the Judge of said [Circuit] Court to cause an answer to be put in, and proper and necessary steps to be had in order to obtain a fair and impartial trial of the same; and if, upon a full and fair hearing of all the facts, it shall appear to him that said Henry L. Green has wasted and squandered his substance, and

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has neglected and failed or refused to make suitable and proper provision for the maintenance and support of said Lucy and her children, the said court shall have full power and authority to divorce said Lucy, and dissolve the marriage contract between her and her husband, so far as she is concerned.

Approved, February 17, 1842.

CHAPTER 204.

AN ACT to amend an act supplementary to an act, entitled, an act to improve the navigation of Nolin, approved, February 20, 1835.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act, approved, February 20, 1835, which declares Nolin navigable to King's mill, be, and the same is hereby, repealed, and that the navigation of said stream extend no further than to Hunt's mill.

Approved, February 17, 1842.

CHAPTER 205.

AN ACT to allow an additional Constable to the county of Todd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Todd be authorized to appoint an additional Constable in said county, to reside in the following bounds, to-wit; commencing at Old Mount Sion Meeting House; thence west to the Christian county line; thence south to the State line; thence with the Tennessee line east to where the road from Hopkinsville to Nashville crosses said line; then with said road to the late residence of Hugh Massie; and thence on a straight line to the beginning.

Approved, February 17, 1842.

CHAPTER 207.

AN ACT allowing one additional Justice of the Peace to the county of Laurel, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That one additional Justice of the Peace and one additional Constable be allowed to the county of Laurel.

Approved, February 17, 1842.

CHAPTER 208.

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AN ACT authorizing the sale of the ground adjoining the Locust Methodist Episcopal Church, in the county of Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the Locust Methodist Episcopal Church, in the county of Fleming, to sell and convey the ground adjacent to said church, and apply the proceeds thereof to the benefit of the Methodist Church in the town of Hillsborough: *Provided*; that no sale shall be made of the ground now enclosed and used as a burying ground.

Approved, February 17, 1842.

CHAPTER 209.

AN ACT to allow an additional Constable to Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Pendleton be, and is hereby, authorized and required to appoint an additional Constable in said county, who shall reside in that part of the county between the waters of the East and Middle Forks of Grassy creek.

Approved, February 17, 1842.

CHAPTER 211.

AN ACT allowing additional Justices of the Peace to the counties of Mason and Wayne.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be allowed to the county of Mason, and in the appointment of said Justice the County Court shall have due regard to the necessity of the citizens of the town of Sardis and its vicinity.

SEC. 2. *Be it further enacted*, That an additional Justice of the Peace be allowed to the county of Wayne.

Approved, February 17, 1842.

CHAPTER 212.

AN ACT for the benefit of Nancy Ford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the County Court of Owen County to permit Mrs. Nancy Ford to change the present location of the State road, in front of her residence, and straighten the same; and said change may be made so as to run upon the line of her tract of land where the same joins

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the lands of J. B. McHatton ; and it shall be the duty of said Court to require the proposed road, if changed, to be put in as good order as the old road now is, and to make such arrangements as they may deem proper to protect the public interest.

Approved, February 17, 1842.

CHAPTER 215.

AN ACT to repeal all acts or parts of acts declaring Dix river a navigable stream, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all acts or parts of acts declaring Dix river a navigable stream, above the point where the road leading from Harrodsburg to Lancaster, at McCoy's old mill site, crosses said river, be, and the same are hereby, repealed.

SEC. 2. That said river, from its junction with the Kentucky to the point aforesaid, be, and the same is hereby, declared a navigable stream, and any person or persons who shall obstruct the navigation of the same shall be fined five dollars for every forty eight hours said obstruction shall remain; to be recovered upon presentment or indictment of a grand jury.

Approved, February 17, 1842.

CHAPTER 217.

AN ACT authorizing a change of venue in the case of the Commonwealth against Richard Singleton.

Venue changed to Anderson

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Mercer Circuit Court, on the appearance of Richard Singleton in discharge of his recognizance entered into in said court, by reason of an indictment therein preferred for stabbing with intent to kill; to make an order changing the venue of said case to the Anderson Circuit Court.

Recognizance to be entered into.

SEC. 2. That when said order for the change of venue shall have been made; in conformity with the first section of this act, it shall be the duty of the Mercer Circuit Court to require the said Singleton to enter into a recognizance, in such penalty and with such surety or sureties as may, in the discretion of said court, seem proper, conditioned for the appearance of said Singleton at the Circuit Court of Anderson, and on the first day of the first term of said court thereafter to be held; and it shall also be the duty of the Mercer Circuit Court to recognize the witnesses for the Commonwealth to attend at said Anderson Circuit Court; and when the said change of venue shall have been ordered, in compliance with the provisions of this act, it shall be the duty of the Clerk of the Mercer Circuit Court, and he is hereby required, forthwith to

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transmit to the Clerk of the Anderson Circuit Court, the indictment against said Singleton, and all writs, bonds, recognizances, or other papers filed in said case, together with full and complete copies of all orders made in said case, by the Sheriff of Mercer county; and the Clerk of said court shall take from the Sheriff a receipt for the papers so to him delivered, and it shall be the duty of said Sheriff, with all possible dispatch, to deliver said papers to the Clerk of the Anderson Circuit Court, and to take his receipt for the same; and upon said Sheriff producing said receipt to the Judge of the Mercer Circuit Court, it shall be his duty to make an order allowing said Sheriff six cents per mile for each mile by him traveled in going to and returning from said county of Anderson, which allowance shall be paid out of the Treasury.

Pay of Sheriff.

SEC. 3. That if the said Clerk or Sheriff shall fail or refuse to comply with or perform the duties imposed on them by this act, the party so offending shall be subject to a fine of one hundred dollars, to be adjudged against him by the Mercer Circuit Court, upon motion by the Attorney for the Commonwealth, upon reasonable notice being given of said motion.

Penalty on clerk & sheriff for neglect of duty.

SEC. 4. That the Clerk of the Anderson Circuit Court, upon receiving the papers in said prosecution, shall set the said case for trial on the first day of April term next, and issue *venire facias* and *subpœnas* for witnesses, as if the said indictment had originally been found in said court; and the Judge of the Anderson Circuit Court shall have as complete jurisdiction of said case, and as plenary power to try and determine the same, as if the offence, with which the said party stands charged, had been committed in said county; and it shall be the duty of said court, in its discretion, to make all such orders in said case that he might, according to law, make where the indictment had been found in said court; and the Judge of the Anderson Circuit Court shall, upon the finding of the jury, pronounce final sentence of condemnation or acquittal, or set aside the verdict that may be rendered on said trial, and grant a new trial or trials, if the justice of the case require it, in like manner, as if the offences had been committed within the jurisdiction of said court. That the Judge of the said Anderson Circuit Court shall be, and is hereby, authorized and empowered to recognize the witnesses on the part of the Commonwealth to appear from time to time as the said case may be continued, and shall proceed upon all recognizances in the same manner as if the same had been entered into in said court; and in case the indictment, heretofore found against said Singleton, shall be found defective, and quashed, or the judgment thereon arrested, the said Singleton shall not, for that cause, be discharged, but a grand jury shall be summoned, and the cause again submitted to them, to be acted upon by them as if the offence had been committed within the jurisdiction of said court; and upon the finding of another indictment, the said party shall be again put upon his

Duty of clerk of Anderson.

Duty of the Judge of Anderson.

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trial, and the case proceeded in in all respects as if the said offence charged had been committed within the jurisdiction of said court. That the Sheriff, Clerk and Jailer shall perform all the duties pertaining to their respective offices, in the progress of said trial, as if the said case had properly originated within the jurisdiction of said court; and witnesses attending the said Anderson Circuit Court in consequence of this change of venue, upon recognizance or *subpoena*, shall receive the same compensation that is allowed by law to other witnesses going out of their counties upon legal process. That no number of continuances granted by the Judge of the Anderson Circuit Court, at the instance of the Commonwealth, shall operate the discharge of the said Richard Singleton.

Approved, February 17, 1842.

CHAPTER 218.

AN ACT to incorporate the Paducah Methodist Episcopal Church.

WHEREAS, it is represented to the present General Assembly, that the Methodist Episcopal Church of Paducah, Kentucky, have heretofore subscribed a large amount of money for the purpose of building a church in said town, and that said church is now erecting, in said town, a building on lot No. —, in the first addition to said town; and that they have purchased the said lot, and that a portion of said subscription yet remains unpaid—therefore,

Incorporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William W. Phillips, Samuel S. Givens, Samuel Peter, Richard Peter, L. H. Johnson, William Hurt, William Brown, Joseph Cole, and Kirby Jones, and their successors in office, be, and they are hereby, created a body corporate and politic, by the name and style of the Trustees of the Paducah Methodist Episcopal Church, and by that name to have perpetual succession, with all the powers incident to corporations, for the purposes of suing and being sued, pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, property, privileges, possessions and immunities of said church, which now does or may hereafter belong to the same; also, to buy and receive conveyances for any lot or lots which may have been purchased heretofore by the Trustees of said church, or which may hereafter be given or devised to them for the use of said church, all of which said property shall pass to their successors in office, for the use of the successive Trustees and members of said church, forever, pursuant to the desire or the express limitation of the donor or grantor.

Corporate powers.

Deed to be recorded.

SEC. 2. That those persons who purchased said lot at the sale made by the Commissioner in chancery, are hereby vested with power and authority to deed said lot to the said Trus-

tees herein named, and their successors in office, which deed to be made and acknowledged and recorded as other deeds of real estate.

SEC. 3. That the said Trustees, hereby appointed, shall continue in office so long as they shall continue to be members of said church, unless they shall sooner resign or refuse to act; and whenever vacancies may occur it shall and may be lawful for them to be filled pursuant to the discipline and rules and regulations of said church.

Vacancies—
how filled.

SEC. 4. That a majority of said Trustees shall at all times constitute a quorum to do business, and as such it shall be their duty, and they are hereby authorized and empowered and required, to keep a fair record of all their proceedings, and may appoint all such officers as they may deem proper, in pursuance of their said discipline; and they are hereby given full authority to pass all such by-laws and regulations, as to the government and control of said church building, as they may see proper, not inconsistent with the constitution of the United States, nor of this State, nor of the laws of the same.

A majority
to act, and keep
record of pro-
ceedings.

SEC. 5. That those persons to whom said subscriptions for said church are made payable, are hereby authorized and required to collect the same, by suit or otherwise, for the use and benefit of said church, and for no other purpose; and, when collected, they are hereby required to pay the same over to said Trustees for the use of said church.

May sue for
subscriptions.

Approved, February 17, 1842.

CHAPTER 219.

AN ACT for the benefit of Samuel Lawler.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Lawler is hereby released from all the penalties of an act to prevent the importation of slaves into this State, approved on the second day of February, eighteen hundred and thirty three, incurred by reason of the said Lawler's having purchased a negro woman slave, and her five children, who were purchased by the said Lawler after having been imported into this State: *Provided*, that said Lawler shall make oath, before the Clerk of the County Court in which he resides, that he did not know that said slaves had been brought into this State, from another State or country, at the time he purchased them; which affidavit shall be filed in the said Clerk's office.

Approved, February 18, 1842.

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AN ACT to invest the Craddock Fund.

WHEREAS, it is represented to the General Assembly, that the Trustees of the town of Bowlinggreen have declined to accept the Craddock Fund, under an act heretofore passed giving them authority to take it, and that Joseph R. Underwood, the Trustee of said Fund, is desirous to surrender the same to the County Court of Warren, upon such terms as he and the said court may agree upon, when said court shall have been vested by law with authority to contract upon the subject—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the County Court of Warren, a majority of all the Justices of the county concurring, to receive from the said Underwood, from time to time, the whole, or any part, of the funds which he, under the will of the late Robert Craddock, is required to appropriate to purposes of education, upon a permanent and irredeemable loan in respect to the principal, and stipulate, in consideration of such loan, for the payment of interest on the amount thereof, semi-annually, at the rate of six per centum per annum.

County court of Warren may receive fund.

On what conditions.

Sums, how to be applied.

SEC. 2. That the principal sums which the said County Court may receive shall be applied to any purpose or object, for the use and benefit of the people of Warren county, which now is, or hereafter may be, sanctioned by law, and the interest, to be paid semi-annually, shall forever constitute an education fund for the children of said county, out of which those children who are destitute of means to pay teachers, or whose parents are unable to pay tuition, shall be first provided for.

County court to provide for the payment of the interest.

SEC. 3. That the said County Court shall provide for the payment of the interest, semi-annually, on all sums borrowed or received from said Underwood, by causing the amount of such interest to be levied and collected in the same manner that other charges against the county are levied and collected.

Time & place of paying interest may be agreed upon, & how applied.

Com'rs, how appointed and their duty.

SEC. 4. That it shall be lawful for the said court, and the said Underwood, to agree, in writing, upon the times when the interest shall be paid, to whom it shall be paid, and the manner in which it shall be applied. The said court, and the said Underwood, may likewise, by their written agreement, provide for the appointment of a Board of Commissioners to superintend and manage the interest, payable semi-annually as aforesaid, and to select children, residing in the county of Warren, the expenses and charges of whose education shall be defrayed out of said interest. Said court, and said Underwood, may also prescribe the manner of filling vacancies which occur in the Board of Commissioners, regulate the number of Commissioners, the length of time they are to serve, and their powers and duties. The written agreement so entered into, signed by said Underwood, and by any Justice of the court, appointed for that purpose on behalf of the whole

Vacancies—how to be filled.

Agreement to be recorded.

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court, shall be ordered to record in the Clerk's office of the Warren County Court, and, together with this act, shall constitute the fundamental law and rules for the perpetual management of the interest arising on the amount of the fund loaned by said Underwood to said court: *Provided, however*, that whenever experience shall point out the necessity of a change in such fundamental law and rules, it shall be competent for the Legislature to modify, alter or change any stipulation or rule embodied in said agreement, or in this act.

Sec. 5. That whenever the said Underwood shall divest himself of the whole, or any part, of the money, property, or choses in action, held by him as Trustee under the will of said Craddock, according to the provisions of this act, he shall forever thereafter be acquitted and discharged from all liability on account of the trust, to the extent of the money, property, or choses in action, which he may transfer to the County Court of Warren.

When trustee shall be acquitted.

Sec. 6. That the County Court of Warren may, from time to time, appoint a county Treasurer, who shall be removable at the pleasure of the court, whose duty it shall be to receive, collect, and keep safely, all bonds, notes, accounts, or sums of money, which, by order of the said court, may be committed to his care, and to deliver or pay over such bonds, notes, accounts, or money, to such person, or persons, who, by order of the said court, may be entitled to receive the same. The said court may require an official bond, with security, from such Treasurer, in such penalty as the court shall prescribe, payable to the Commonwealth of Kentucky, and conditioned for the faithful performance of all the duties which devolve upon him as Treasurer of the county of Warren.

Court may appoint a treasurer--his duty.

Sec. 7. That if the County Court of Warren county shall decline to accept the said fund on the terms aforesaid, the said Underwood may pay the same into the Treasury of this Commonwealth, for the use of the State, for the period of twenty-five years, when the same shall be refunded to the said Underwood, as Trustee as aforesaid, or to his successor; and if the said fund shall be so paid to the Commonwealth, the Treasurer shall pay to the said Underwood, as Trustee of said fund, or his order, or to his successor as Trustee of said fund, or his order, the interest thereon, semi-annually, at the rate of six per centum per annum.

Treasurer to give bond.

In whatever said fund may be paid into the treasury, & for what period.

Treasurer to pay to the said trustee the interest thereon.

Approved, February 18, 1842.

CHAPTER 221.

AN ACT to incorporate the Trustees of Hawesville Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Newman Faulconer, Nicholas V. Board, Edwin Hawes, Timothy Holmes, and Manly Newman, be,

Incorporated.

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Powers.

and they are hereby, created a body politic and corporate, by the name and style of the "Trustees of the Hawesville Seminary;" and they, with their successors, shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of law or equity in this Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold to themselves, and their successors, the freehold or leasehold title to any quantity of land not exceeding fifty acres, and the emoluments thereof, and any tenements, goods, and chattels of any kind whatever which may be granted, devised, or demised, in trust to them, or their successors, for the use and benefit of the Hawesville Seminary, subject, however, to such limitations and restrictions as may be imposed or reserved by the grantor of such property; said corporation shall have the power to make such by-laws for the government of the same as they shall deem necessary, not inconsistent with the constitution and laws of this State; and they shall have power to sell, or otherwise dispose of any property acquired or held by them by virtue of this act, and by their deed, duly acknowledged, transfer and convey the title to any such property; that should any vacancy occur in said corporation by death, resignation, or otherwise, such vacancy shall be filled by election by the remaining members of the corporation; and the Legislature shall have the right to amend, modify, or repeal, this act, but the repeal shall not deprive the said corporation of the property and effects acquired and held under this charter.

Approved, February 18, 1842.

CHAPTER 223.

AN ACT for the benefit of Catherine Cotton, and the infant heir of Robert Cotton, deceased.

WHEREAS, it is has been represented to the General Assembly, that Robert Cotton, by his last will and testament, devised all his estate, both real and personal, to his wife during her widowhood, but upon her again marrying, that two thirds thereof, should vest in his infant children, one of whom has since died, and the whole estate in said heirs, upon the death of his said widow; and that of said estate is a certain tract of one hundred and seventy acres of land, situate in the county of Nelson, and that said widow has made a sale of said land, believing she had such power, and that said sale is a very advantageous one for those concerned—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Chancellor of the Circuit Court of Nelson county, upon the filing of a petition by the guardian of the infant heir of said

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Cotton, together with said widow, to appoint three discreet persons, who shall enquire and report to said court whether a sale of said land is advantageous to said infant, and whether the sale made by said widow be an advantageous one; and if, on the coming in of said report, it shall appear that said sale is advantageous, in every respect, to said infant, it shall be lawful, upon the widow and guardian entering into bond with approved security, according to the terms of the several acts of this Commonwealth respecting the sale of the real estate of infants, before said court, for the faithful execution of the trust, to appoint a Commissioner to convey said land to said purchaser: *Provided*, no conveyance shall be made until the purchase money of said land be paid to said guardian.

SEC. 2. Be it further enacted, That said widow shall acquire no greater or other interest or estate in the purchase money for said land than she now has in said land under the will of her said husband.

Approved, February 19, 1842.

CHAPTER 224.

AN ACT for the benefit of Leonard B. Johnston.

WHEREAS, Thomas Spakman, now deceased, and formerly of the county of Barren, did, by his last will and testament duly proven and recorded in the County Court of said county, among other things, bequeath to his children a certain negro slave Milly, together with such children as she might thereafter have, to be held by them as slaves until each should arrive at the age of thirty two years: and, whereas, the said children sold for a valuable consideration their interest to Leonard B. Johnston; and, whereas, the said Johnston has removed from the county of Monroe to the county of Todd, and may desire to remove to some other county within this Commonwealth: and, whereas, doubts are entertained, whether under the existing laws, he can remove said slaves with him to such county as he may hereafter remove to, or the county of Todd to which he has already removed—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Leonard B. Johnston to carry with him to the said county of Todd, or to such other county within this Commonwealth as he may hereafter remove to, such of the children of the said slave Milly as have not attained to the age of thirty two years: *Provided*, that before removing said slaves he shall have recorded, in the County Court to which he intends removing them, a copy of the will of the said Thomas Spakman; and shall also execute to the Commonwealth of Kentucky a bond in the penalty of five thousand dollars, conditioned that he will not remove the said slaves out of this Commonwealth, which bond shall be filed in the Clerk's office of the Monroe County

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Court, and may be proceeded on by action of debt, in the name of the Commonwealth, by any person, for the use of said slaves, or such of them as may be aggrieved for a forfeiture of its condition.

Approved, February 19, 1842.

CHAPTER 225.

AN ACT for the benefit of Thomas Parker, late Sheriff of Lewis county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Parker, late Sheriff of Lewis county, have the further time of one year, from and after the passage of this act, to collect all taxes, levies, fee bills, and muster fines, due and unpaid to him, as Sheriff aforesaid, in said county, and may proceed to collect the same by distress, or otherwise, in the same manner that he might have done, if collected in the time allowed by law.

SEC. 2. *Be it further enacted*, That the Auditor of Public Accounts is hereby authorized and required to settle with Charles Caines, late Sheriff of Lewis county, his delinquent list for the year 1840; and allow the same, in the same manner as though such list had been certified and returned in the time allowed by law, and to give an order to the Treasurer for the amount thereof.

Approved, February 19, 1842.

CHAPTER 226.

AN ACT for the benefit of Allen Gudgel, late Sheriff of Bath county, and his deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Allen Gudgel, late Sheriff of Bath county, and his deputies, be, and they are hereby allowed the further time of one year, from the passage of this act, to wind up and settle all unadjusted claims in their hands as Sheriff and deputies for said county.

Approved, February 19, 1842.

CHAPTER 228.

AN ACT for the benefit of the Sheriff of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts issue his warrant on the Treasurer in favor of the Sheriff of Breathitt county for the sum of eight dollars and thirty cents, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 19, 1842.

LAWS OF KENTUCKY.

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CHAPTER 230.

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AN ACT to incorporate the Trustees of the Henderson College.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Towles, Archibald Dixon, James Alvis, James Priest, Lazarus W. Powell, William D. Allison, James M. Taylor, and Thomas Evans, be, and they are hereby, created a body politic and corporate, by the name and style of the Trustees of the Henderson College, in the town of Henderson; and they, with their successors, shall have perpetual succession; and shall have power to make a common seal, and to alter, change, and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, in any court in this Commonwealth having jurisdiction of like sums; and shall have power to take and hold, for purposes of education, and for the use of the Baptist Church in the town of Henderson, by gift, grant, or devise, any estate, whether real, personal, or mixed, not exceeding, in value, the sum of twenty thousand dollars; and said Trustees, a majority concurring, shall have power to sell, exchange, and convey, said estate, or any part thereof, for the use and benefit of said Baptist Church.

Incorporated.

Corporate powers.

SEC. 2. That the said Trustees of the Henderson College shall have power to ordain and establish such by-laws, rules, and regulations, for the government of said College, as are not inconsistent with the constitution and laws of this Commonwealth, as they may think proper.

May establish by-laws.

SEC. 3. That said Trustees, a majority concurring, shall have power to elect a President of said College, and such other officers, for the management of the same, as may be deemed necessary; who, upon their election, shall enter upon such duties as may be assigned them under the constitution and laws of said College; and that in all suits against said corporation, service of process on said President, or a majority of said Trustees, shall be considered sufficient.

May elect officers, &c.

SEC. 4. That the title to all furniture, books, and other property, now belonging to the Baptist Society in the town of Henderson, shall be as fully and completely vested in said Trustees as if the same had been acquired after the passage of this act.

Title of certain property vested in Trustees.

SEC. 5. That the election of all officers, under this act, shall take place at such times, and at such places as said Trustees may agree and designate; and that in case of a vacancy of the office of Trustee by death, resignation, or otherwise, such vacancy may be supplied by a majority of the remaining Trustees, who may proceed to elect a successor.

When elections to take place, and vacancies how filled.

Approved, February 19, 1842.

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CHAPTER 231.

AN ACT for the benefit of George Janes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the County Court of Adair county to levy, annually, a sum not exceeding fifty dollars for the support and maintenance of George Janes, a pauper, of said county, without requiring him to be kept at the poor house of said county; and the said court may direct said sum of money, so levied, to be paid over to any individual, selected by said County Court, as committee for the said George Janes.

Approved, February 19, 1842.

CHAPTER 232.

AN ACT for the benefit of the Sheriff of Meade county.

WHEREAS, it is represented to the present General Assembly, that E. T. Abel, Sheriff of Meade county, having failed to pay into the Treasury the revenue tax for the year 1841, and judgment having been obtained against him, and his securities on his bond, in the General Court, at the February term, 1842, and it appearing that there is great danger of the State losing entirely the revenue tax as aforesaid, by said Sheriff and his securities becoming doubtful in their circumstances, and the great scarcity of money, and peculiar embarrassment of the monetary affairs of the State—to prevent which, and for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sergeant or other officer executing the process of said court on the judgment aforesaid, may be permitted, and he is hereby commanded, by the authority aforesaid, to sell, on a credit of two years, any property which he may find, either belonging to said Sheriff, or any of his securities, after advertising the same as required by law, taking bond for the purchase money, with security, bearing legal interest from the 4th day of December, 1841, until paid: *Provided*, that if real estate be sold, the Commonwealth shall retain a lien until the purchase money is paid.

Approved, February 19, 1842.

CHAPTER 233.

AN ACT for the divorce of Mary S. Brockway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary S. Brockway and Charles Brockway, be, and the same is, forever dissolved, so far as relates to the said

Mary S. Brockway, and she is hereby restored to all the rights and privileges of an unmarried woman.

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Approved, February 19, 1842.

CHAPTER 234.

AN ACT for the benefit of Thomas Hagins, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all acts and parts of acts heretofore passed, declaring Quicksand creek, in Breathitt county, a navigable stream, shall be, and the same are hereby, repealed, and that hereafter no indictment or presentment shall be instituted, preferred, or maintained, against Thomas Hagins, of said county, for having erected a mill dam across said stream.

Approved, February 19, 1842.

CHAPTER 236.

AN ACT for the divorce of Elizabeth Million.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Elizabeth Million and Burrell Million, be, and the same is, forever dissolved, so far as relates to the said Elizabeth, and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 19, 1842.

CHAPTER 237.

AN ACT for the benefit of Thompson N. Stratton.

WHEREAS, it is represented that Thompson N. Stratton purchased at Coroner's sale twenty-five acres of land, a part of a tract of one hundred acres, lying in the county of Lewis, at the crossing of Kinnikinick creek, which land was levied upon and sold by Archibald Frizzell, late Coroner of said county, by virtue of two writs of *fiery facias* to him directed, one in favor of Recompence Murphy, the other in favor of Deering, Carter and Savage, against the estate of Aaron Stratton, deceased, descended to the said Thompson N. Stratton, and others, the heirs at law of said Aaron Stratton, deceased; and, whereas, the said Archibald Frizzell, Coroner as aforesaid, has departed this life without making a conveyance of the land so purchased—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Nesbitt Taylor, the present Coroner of said county of Lewis, be, and he is hereby, authorized and

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required to convey said twenty-five acres of land to the said Thompson N. Stratton, by deed, with such covenants and warranty, and in all respects in the same manner as the said Archibald Frizzell could and should have done, in his life time, by virtue of his office aforesaid; and such deed of conveyance, when executed by said Taylor, shall pass the legal title to said tract of land, and be as operative in all respects as though the same had been made and executed by the said Archibald Frizzell, Coroner as aforesaid, in his life time.

Approved, February 19, 1842.

CHAPTER 239.

AN ACT for the benefit of William B. Graves and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Esther Ann Graves, wife of William Breckinridge Graves, be, and she is hereby, made able and competent in law, to convey, in conjunction with her said husband, two parcels of land lying and being in the county of Madison, containing some forty acres, under the same rules and regulations that *feme coverts* of full age can now convey, who are the holders of the fee simple title to land, under the laws now in force.

SEC. 2. That any deed which shall be made by said Graves and wife, for the land aforesaid, under the provisions of this act, shall be good and valid in law, to pass the title to the grantee or grantees in said deed, as if the said Esther Ann had attained the full age of twenty one years: *Provided*, that the title to the ninety acres of land, purchased with the money arising from the sale of said forty two acres, and on which the said Graves and wife now reside, be conveyed to said Esther Ann.

Approved, February 19, 1842.

CHAPTER 241.

AN ACT to incorporate the Funk Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be, and is hereby, established in the town of Lagrange, in the county of Oldham, in this Commonwealth, a Collegiate Institute for the instruction of youth in the various branches of science and literature, the useful arts, agriculture, and the learned and foreign languages.

SEC. 2. That the said institute shall be known and called by the name of "The Funk Seminary."

SEC. 3. That William D. Mitchell, William T. Barbour, sr., Newton Lane, Hugh L. Givens, Robert Mallory, Francis Snowden, Gabriel Kightley, Jeffrey W. Bondurant, Thomas

Seminary established.

Name.

Trustees.

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J. Woolfork, Zachariah S. Wilhoite, John Carr, Francis F. C. Triplett, David C. Stewart, A. Kightley, James F. Wilson, John Fible, Robert Taliaferro, William G. Taylor, William E. Gibson, William McMakin, and George Armstrong, be, and they are hereby, appointed Trustees of said institute, who, and their successors, shall be a body politic and corporate, by the name and style of the Trustees of the Funk Seminary, and shall have perpetual succession, and a common seal, which they may alter at pleasure; and, by the name aforesaid, they and their successors shall be capable in law, and shall have full power and authority to acquire, hold, possess, purchase, receive, and retain, to them and their successors forever, any lands, tenements, goods, chattels, rents, or interests, of any and every kind whatsoever, which may heretofore been given, devised, or bequeathed, for the establishment of said Seminary, or which may hereafter be given, devised, or bequeathed, or which may be by them purchased for the use and benefit of said institute, not exceeding the sum of seventy five thousand dollars; to transfer, convey and dispose of the same in any way they may adjudge most useful to the interests and lawful purposes of said institution, except as herein otherwise provided; and by the same name, to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity; to select and employ a Treasurer, and such other officers, agents and servants as they may see proper; to elect a President, and such Professors, Instructors and Teachers, for the benefit of said institute, as they may deem necessary; to make, ordain, establish, and execute, or cause to be executed, all such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States, or of this Commonwealth, as they may think necessary for the prosperity of said institution, the good government of the Professors, Instructors, Tutors, Agents and Stewards of the same; and generally to do all acts necessary and proper to promote the interest and wellbeing of the institution.

Corporate powers.

SEC. 4. That the President, by and with the advice and consent of the Trustees, shall have power, from time to time, to prescribe, ordain and regulate the mode and course of instruction and education to be pursued in said institute, and, together with such Professors, Instructors, and Tutors, as the corporation may designate and appoint, shall be styled the Faculty of said institute, and shall have power to adopt and enforce such rules and regulations as shall be deemed expedient for the welfare and good government of the institute, which rules and regulations shall not be inconsistent with the constitution and laws of the United States, or of this Commonwealth, nor with the by-laws and ordinances of the corporation, and which shall remain in full force until disapproved of by a majority of the Trustees, and no longer.

Faculty.

By-laws.

SEC. 5. That the first meeting of the Board of Trustees, designated in the third section of this act, shall be held in the

First meeting of trustees.

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Officers.

town of Lagrange aforesaid, on the first Monday in April next, or at any time thereafter agreed upon by any three or more of the Trustees, and by them duly announced by publication in some newspaper published in the city of Louisville, at which meeting the said Trustees assembled, a quorum being present, may proceed to appoint such officers, and transact such business, as they shall judge necessary; but if a quorum shall not be present, those assembled may adjourn from day to day, or to any future day, until a quorum shall be had. The President of the institution, *ex-officio*, shall, when present, preside in all meetings of the Board of Trustees, and in his absence the Board shall choose a President *pro tempore* from their own body; but in no case shall the President be entitled to a vote unless he shall be also a member of the Board of Trustees. All questions shall be decided by a concurring vote of a majority of the Trustees present, except in cases hereinafter provided.

Treasurer.

SEC. 6. That the Trustees shall elect a Treasurer for the institution, annually, who, before entering upon the duties of his office, shall enter into bond, with approved security, payable to the Trustees, by their name aforesaid, and their successors, in such penalty as the said Trustees may require, conditioned faithfully to discharge the duties of his said office; and shall, as often as required by the Board, render an account, of all moneys, goods and chattels received by him on account and for the use, of said institution; and on failure or refusal so to do, he and his securities shall be subject to be proceeded against in the same manner as now prescribed by law in the case of Sheriffs failing to account for and pay into the Treasury of this Commonwealth the public taxes collected by them, such proceedings to be conducted in the name of the Trustees in their corporate and politic character, of which the Oldham Circuit Court shall have jurisdiction: *Provided*, that no appropriation, payment, or disbursement, shall, at any time, be made by the Treasurer, but such as shall be in pursuance of the orders or directions of the Board of Trustees.

Examining committee.

Degrees, &c.

Quorum.

SEC. 7. That the Board of Trustees shall, at each annual meeting, appoint, from their own body, an examining committee to consist of seven, who, with the President, shall have full power and authority to meet at such times as they shall think necessary, for the examination of candidates for literary degrees; and they are hereby authorized and empowered to confer such degrees on all such students of the institution as, in their opinion, shall merit the same, in as ample a manner as any other college in this Commonwealth can do, and under the common seal of said institute to grant diplomas and testimonials thereof, signed by the President and said committee, or a majority of them. For the transaction of all other business a majority of the Trustees in office shall constitute a quorum, and if, at any of the stated meetings of the Board, a

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quorum should not be present, those in attendance may adjourn from day to day until a quorum shall be had.

SEC. 8. That the Board shall have power, at any time, to remove or suspend the President or any of the Instructors or officers of the said institute for sufficient cause, two-thirds of all present concurring. When a vacancy, or vacancies, shall occur in the Board, by death, resignation, removal, or refusal to act, the remaining Trustees shall fill the same. It shall be lawful for any three of the Trustees, the President, or the Professors, for the time being, or a majority of them, to call a meeting of the Board whenever they, or he, as the case may be, shall deem it expedient, by giving at least ten days notice of such meeting in the mode prescribed in the fifth section of this act.

Trustees may remove professors.

Fill vacancies, in their own body.

Called meeting.

SEC. 9. That whenever any Trustee shall absent himself from three successive annual meetings of the Board without assigning a sufficient reason, in writing, the Board, at their next meeting, may, by an entry on their minutes, declare his seat vacant, and proceed to fill the same by an election.

Seats vacated.

SEC. 10. That said Trustees, and their successors, are hereby authorized, so far as the funds of the institution may warrant, to admit gratuitously, as students, in whole or in part, as their respective cases may require, such person or persons as they may think proper.

Students may be admitted gratuitously.

SEC. 11. That the Trustees of the institution shall have power to establish a Department of Agriculture: *Provided*, nevertheless, that no pupil or student of the College shall be required to study or labor in such department in any manner contrary to the wishes of the person or persons at whose charge, or by whom such student has been placed in the institution, nor shall study or labor in said department (should the same be established,) be necessary to graduation.

Agricultural department.

SEC. 12. That there shall be annual stated meetings of the Board of Trustees, to be held at such time as said Board shall, at their first meeting under the authority of this act, appoint; but they may, at any subsequent meeting, alter such day if they should think it expedient, and so on from time to time. It shall be the duty of the Board to make and render a report to the Legislature of this Commonwealth, of the general condition and progress of the institution, whenever thereunto required.

Annual meeting.

Report to the Legislature.

SEC. 13. That the Board of Trustees shall never be less than twelve, nor more than thirty, in number, and said Board may, hereafter, at any regular meeting, create, by appointment, additional Trustees, not exceeding in all the greater number specified in this section.

Number of trustees.

SEC. 14. That the sum of ten thousand dollars, bequeathed by the late William M. Funk for the benefit of the institute hereby established, shall be a permanent fund, under the management of the said Trustees, the proceeds of which shall be applied towards the payment of the salaries of the President

Funk's bequest.

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and Tutors of the institution, and to such other purposes, connected with the advancement of the school, as the said Trustees shall judge expedient; that the said fund shall be loaned out, from time to time, to individuals or companies, in sums of not more than two thousand nor less than two hundred dollars, to any one person or company, at a rate of interest not exceeding six per centum per annum; the sums so loaned to be secured, in all cases, by mortgages on real estate of adequate value, situated in this Commonwealth; but no loan shall be made to any Trustee or other officer of the institution: *Provided, however*, that if the money raised, or which may hereafter be raised in convenient time, by subscription or otherwise, in aid of said institution, should not be sufficient for the erection of the necessary buildings for the same, the Board of Trustees, a majority of two-thirds concurring, may appropriate for that purpose, out of the said bequest made as aforesaid, a sum not exceeding two thousand dollars: *And, provided further*, that any future donations made to said institution, at the discretion of the Trustees thereof, may be added to the said permanent fund, and be loaned out at the same rate of interest, and under the same restrictions, as the original fund.

Proviso.

SEC. 15. That nothing herein contained shall be so construed as to authorize the establishment of a Theological department in said school: *Provided*, the Legislature shall hereafter, at any time, alter, amend, or repeal this act at pleasure.

SEC. 16. This act shall be in force from and after the passage thereof.

Approved, February 22, 1842.

CHAPTER 242.

AN ACT for the benefit of the Sheriffs of Carter and Russell counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Carter county shall have the further time until the 15th day of December, 1842, to make out and return to the Second Auditor his delinquent list of revenue tax for the years 1840 and 1841; and upon the receipt of said delinquent list, properly certified, the said Auditor shall issue a warrant for the amount thereof on the Treasury in favor of said Sheriff.

SEC. 2. *Be it further enacted*, That the further time until the first day of June next, be allowed to the Sheriff of Russell county to return his delinquent list for the year 1841.

Approved, February 22, 1842.

CHAPTER 243.

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AN ACT to allow three additional Constables to Spencer county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Spencer county be, and it is hereby, authorized to appoint three additional Contables for said county; which appointments shall be entirely at the discretion of said court.

SEC. 2. *Be it further enacted*, That there shall be an additional Constable allowed to the county of Morgan, and that he reside in Alexander McQuinn's district, on the head of Red river.

SEC. 3. *Be it further enacted*, That the seventh Constable's district in Hardin county, in which S. V. R. Elliott resides, is hereby changed so as to include the residence of Isaac Radly.

Approved, February 22, 1842.

CHAPTER 244.

AN ACT granting a change of venue to John Hughes.

WHEREAS, it is represented to the present General Assembly, that there is now pending in the Owen Circuit Court a prosecution, by indictment, against John Hughes, for the murder of John Ireland; that the said Hughes is now in custody in the jail of Grant county upon said charge; and that because of existing prejudices, and other undue influences, it is apprehended that the said John Hughes cannot obtain a fair and impartial trial thereupon in the Owen Circuit Court—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, at any time until with thirty days next before the next succeeding term of the Owen Circuit Court, the said John Hughes shall have his election to be tried upon said indictment, either in the Owen Circuit Court, or in the Grant Circuit Court, and if he shall elect to be tried in the latter, it shall be done by the said John Hughes' signing and acknowledging, before any Justice of the Peace for Grant county, a writing, in substance, as follows: "I, John Hughes, a citizen of Grant county, who now stand indicted, in the Owen Circuit Court, for the murder of John Ireland, do hereby agree and elect to be tried for said alledged offence, and upon said indictment, in the Grant Circuit Court, agreeably to the provisions of an act of the General Assembly for my benefit in this behalf, this — day of —, 184," and causing the same, with the Justice's certificate of the signing and acknowledging thereof, to be deposited with the Clerk of the Owen Circuit Court.

Venue may be changed from Owen to Grant.

SEC. 2. That upon the election of the said John Hughes so being made to be tried in the Grant Circuit Court, the Clerk

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Papers to be
transmitted.Jurisdiction
of Grant cir-
cuit court.New indict-
ment may be
found.Witnesses to
attend.Consent to
this act.

of the Owen Circuit Court shall, forthwith, transmit to the Clerk of the Grant Circuit Court a full and complete copy of the record of said cause, together with all the original papers therein or thereunto belonging.

SEC. 3. That upon the election of said Hughes, so being made to be tried in the Grant Circuit Court, and a confirmation of said election, entered by him of record in the said court at its next term, all jurisdiction over said cause, or said alledged offence, shall be transferred from the Owen to the Grant Circuit Court, and the latter court shall have and exercise as full and complete jurisdiction over said Hughes, and the trial of said indictment, in all things, and to all intents and purposes, as if said alledged offence had been committed in Grant county; and if, from any cause, said record and papers should not be transmitted, as aforesaid, or said Hughes should not be tried under said indictment, he shall have no advantage thereby; but shall be subject to prosecution, by new indictment, for said alledged offence in the Grant Circuit Court, in the same manner, and subject to the same rules of law that he would have been, if said alledged offence had been committed in Grant county: *And it is further provided*, that if said indictment shall be adjudged insufficient by the Grant Circuit Court, the said Hughes shall have no advantage therefrom, but shall be subject to immediate prosecution by indictment; and the said Grant Circuit Court shall proceed to trial, judgment, and execution, in all respects, upon said indictment already found, or any new indictment so to be found, in the same manner, under the same rules, and with the same jurisdiction, that it could and should have done if the original finding had been in said court, and the alledged offence had been committed in Grant county: *And it is further provided*, that said John Hughes shall be entitled to no advantage, discharge, or acquittal, because of any continuance of said prosecution arising out of this act.

SEC. 4. That upon the election of said Hughes being so made to be tried in the Grant Circuit Court, all the witnesses summoned, or recognized in said cause shall be bound, by virtue of such summons or recognizance, to attend the first day of the next succeeding term of the Grant Circuit Court as witnesses in said cause in said last mentioned court, instead of the Owen Circuit Court; and the Grant Circuit Court shall, in all respects, have the same power to procure and enforce the attendance of witnesses, for both parties, that it would have had if said indictment had originally been found in said court, and said offence had been committed in Grant county.

SEC. 5. *And be it further enacted*, That the election of said Hughes being made, as provided herein, shall be, and shall be so received as evidence of his consent to all the provisions of this act.

Approved, February 22, 1842.

CHAPTER 248.

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AN ACT to incorporate the Physiological Temperance Society of the Medical Institute of Louisville.

WHEREAS, scientific associations generally, and those especially which have for their object the preservation of the health and morals of the people, deserve the approbation and patronage of the State—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Drake, Thomas J. Kennedy, Edward R. Roe, C. J. Clarke, Henry J. Holmes, Thomas Bohannon, James F. Bull, and Hugh Rodman, and their associates and successors, be, and the same are hereby, incorporated into a society, under the style and title of the Physiological Temperance Society of the Medical Institute of Louisville, with perpetual succession, and full power to acquire, hold, and convey, property, not exceeding five thousand dollars; to sue and be sued, plead and be impleaded, answer and be answered unto; form a constitution and by-laws; devise and use a common seal, and do all other necessary acts, not incompatible with the constitution and laws of this State and the United States.

Incorporated.

Corporate powers.

SEC. 2. That the objects of this society shall be to study and make known the causes of the excessive use, by the people, of intoxicating drinks, and other narcotic stimulants; to enquire into the diseases of body and mind produced by them; devise remedies for the same, both curative and preventive, and to discourage intemperance by the example and influence of its members, individually, not less than by their labors as a corporation.

Objects of society.

SEC. 3. That the constitution and by-laws of said society, which may be in force at the time of the passage of this act, if not incompatible with its provisions, shall continue valid, until repealed or altered by the society.

By-laws, &c. to be in force.

SEC. 4. That this act shall be regarded as public, and subject to amendment, or repeal, at the will of the General Assembly.

Approved, February 22, 1842.

CHAPTER 249.

AN ACT for the benefit of Mechanics, and others, performing labor, or furnishing materials for the constructing or repairing of buildings, in the towns of Hickman and Frankfort.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the carpenters, joiners, brick-masons, stone-masons, plaisterers, turners, painters, brick-makers, lumber merchants, and all others, performing labor or furnishing materials for the construction or repair of any building within the towns of Hickman and Frankfort, (journeymen excepted,) shall have a lien, to the extent of their respec-

Lien to be retained.

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Lien in case
of rescision of
contract.

tive interests, upon the building they may construct or repair, or towards the construction or repairing of which they may have furnished materials; and also upon the lot or tract of land on which such building is situate, which lien shall extend to the interest of the employer, or employers, in and to such building, and lot or land.

SEC. 2. That if such employer, or employers, hold, or claim by executory contract, and for any cause whatever such executory contract shall be set aside or rescinded, the lien herein given shall continue so far as the person, or persons, to whom the same may come, or with whom it may remain by reason of such rescision or setting aside, shall be advantaged by such building, repairing, or materials furnished.

When em-
ployer is evict-
ed, lien shall be
had against him
to the value of
improvements.

SEC. 3. That where the employer, or employers, shall, by judgment at law or decree in equity, be evicted from the premises, and shall by the rules of law or equity be entitled to compensation from the successful claimant for improvements made on the premises, the person, or persons, who, under the provisions of this act, have liens as against such employer, or employers, shall, to the extent of their liens, respectively, be substituted for the person evicted, and recover compensation from the successful claimant so far as, by law or equity, such claimant is bound to make compensation to the person evicted.

Liens against
corporations.

SEC. 4. That the liens herein declared shall exist against private corporations, private *quasi* corporations and societies, or trustees holding estates for charitable uses, whether the building, repairing, or furnishing of materials, shall be done or furnished at the request of such corporation, *quasi* corporation, society, or trustees, or by their servants, or agents, authorized by parol, or otherwise.

Mechanics
required to file
accounts.

SEC. 5. That all and every person, or persons, claiming a lien, in virtue of this act, shall, within six months after the completion of the building, or repairing, or furnishing materials, or within six months after the cessation of work thereon by order of him, her, or them, against whom the lien is sought to be enforced; and shall file in the Clerk's office of the Hickman or Franklin County Courts, (as the case may be,) his, her, or their, accounts, specifying the lien claimed by him, her, or them, which shall operate as notice to the world of such lien; and that no lien shall exist in favor of any person, or persons, in virtue of this act, who shall not have filed such account within the time aforesaid, or proceed by suit to enforce such lien, in which latter case, the *lis pendens* shall be construed to commence from the time of filing the bill.

SEC. 6. That the rules of equity, for the time being, for the enforcement of liens, and the settlement of priorities, shall govern, in cases arising under this act, both as to all persons claiming liens in virtue hereof, and all other claimants.

Approved, February 22, 1842.

CHAPTER 251.

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AN ACT for the benefit of Elizabeth Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Elizabeth Green of the county of Todd, to remove with her to the State of Tennessee a negro woman slave, which she holds of the endowment of her deceased husband, — Green; and such removal shall not forfeit such slave, or other dower which she holds, as aforesaid, unto the person, or persons, that shall be entitled to the same in remainder, or reversion: *Provided*, said Elizabeth Green shall, before such removal, execute bond with sufficient security, to be approved of by the County Court of Todd county, in a penalty to be named by the court, payable to the person, or persons, that shall have the reversion of said slave, conditioned to have said slave and her increase, or such of them as may be living, forthcoming when called upon, by due process of law, to answer the demands of the person, or persons, as shall be entitled to the same in remainder or reversion.

Approved, February 22, 1842.

CHAPTER 253.

AN ACT for the benefit of the children of John and Susan Whip.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Pattie, Trustee for the children of John and Susan Whip be, and he is hereby, authorized to file, in the Anderson Circuit Court, a bill in chancery, praying, in behalf of said children, a decree for the sale of a certain negro man Jerry; whereupon, it shall be lawful for the Chancellor to order and decree the sale of said negro man Jerry, and order the proceeds of said sale to be invested in a town lot or lots, or other real estate, for the use and benefit of the children aforesaid: *Provided*, he shall be of opinion, under all the circumstances, that it will redound to the advantage of said children.

Approved, February 22, 1842.

CHAPTER 254.

AN ACT for the benefit of William and Jacob Luce.

WHEREAS, it appears to this General Assembly, that William Luce and Jacob Luce, in the year 1837, donated to the State of Kentucky ten acres of land, and the one half of the town lots contained in fifty acres, donated at the same time, which several parcels of ground are situated at or near lock and dam No. 3, in Green river, in the county of Muhlenburg: and,

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whereas, the said William and Jacob Luce are desirous of having a portion of said donation re-conveyed to them; and for good cause to this Assembly, it is deemed equitable and just to re-convey the one half of the fifty acres donated, as above stated, to the said William and Jacob Luce—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the deed or bond, by which William and Jacob Luce bound themselves to convey to the Commonwealth of Kentucky the one half of the town lots included in fifty acres of land, on which the town of Skilesville in Muhlenburg county is situate, is hereby declared null and void, so far as the one half of said fifty acres of ground is concerned; and the said William and Jacob Luce are hereby re-invested with all the right, title, and interest, which they had in the said one half of said fifty acres, prior to the execution of said bond or deed; and the claim, or claims, which this Commonwealth may have acquired under said bond, or deed, are hereby released: *Provided, however,* that this act shall not be construed so as to invalidate the claim which this Commonwealth may have to the ten acres of land donated at the same time, and by the same bond or deed; but so far as said ten acres of ground is concerned, said instrument shall remain in full force and virtue.

Approved, February 22, 1842.

CHAPTER 256.

AN ACT granting a change of venue to Vardeman Faris.

Venue changed
from Washing-
ton Anderson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the calling for trial of the indictment depending in the Washington Circuit Court against Vardeman Faris for larceny, at the next term of said court, the said Faris may, in open court, elect to be tried thereon in the Anderson Circuit Court; which election of said Faris to be tried in the Anderson Circuit Court shall be entered of record by the Washington Circuit Court; and the said Washington Circuit Court shall, thereupon, recognize the said Faris, by reasonable surety or sureties, to appear before the Anderson Circuit court on the first day of its then next succeeding term to answer to said charge; or in case of his failure to give such recognizance, said court shall commit said Faris to jail to abide his trial, or until discharged by due course of law; the Washington Circuit Court shall, also, at the same time recognize the witnesses on the part of the Commonwealth, in said cause, to appear before the Anderson Circuit Court, to abide the order of said court, and testify in said cause.

Record to be
forwarded.

SEC. 2. That upon the election of said Faris so being made to be tried in the Anderson Circuit Court, the Clerk of the Washington Circuit Court shall, forthwith, transmit to the

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Clerk of the Anderson Circuit Court a true, full, and complete, copy of the record of said cause, together with all original papers therein thereunto appertaining.

SEC. 3. That upon the election of said Faris so being made to be tried in the Anderson Circuit Court, all jurisdiction over said crime, or said alledged offence, shall be transferred from the Washington to the Anderson Circuit Court; and the latter court shall have as full jurisdiction, to all intents and purposes therein, as if said alledged offence had been committed in Anderson county; and if, from any cause, said papers, with a copy of said records, should not be transmitted to the Clerk of the Anderson Circuit Court, or if said Faris should not be tried on said indictment, he shall have no advantage thereby, but shall be subject to prosecution, by new indictment, for said alledged offence, in the Anderson Circuit Court, in the same manner, and subject to the same rules of law that he would have been if said alledged offence had been committed in Anderson county: *And it is further provided*, that if said indictment shall be adjudged insufficient by the Anderson Circuit Court, the said Faris shall receive no advantage therefrom, but shall remain subject to immediate prosecution by indictment; and the said Anderson Circuit Court shall proceed to trial, judgment, and execution, in all respects, either upon said indictment, or a new indictment, so to be found, in the same manner, and under the same regulations, that it should have done, if the original charge had been presented to said court, and the alledged offence had been committed in Anderson county: *And it is further provided*, that said Faris shall not be entitled to any advantage in evading the consequences of said alledged offence, because of any continuance of said prosecution arising out of this act.

Anderson
court to try him

SEC. 4. That the Anderson Circuit Court, upon the election of said Faris so to be tried therein, shall have the same power to enforce the attendance of witnesses for both parties, and over all its officers, that it would have had in case the charge had originally been presented to it by a grand jury for Anderson county, and the alledged offence had been committed in Anderson county.

Witnesses to
attend.

SEC. 5. That the election of said Faris, being so made and entered of record, shall be held as evidence of his consent to all the provisions of this act.

SEC. 6. That the Anderson Circuit Court shall have full and complete power to enforce forfeitures of the recognizances taken in the Washington Circuit Court, and proceed thereon, in case said Faris, or any of the witnesses, fail to attend, as though said recognizances had been taken in the Anderson Circuit Court.

Anderson
circuit court to
enforce recogni-
zances.

SEC. 7. That the election of said Faris, to be tried in the Anderson Circuit Court, shall not entitle him to a change of venue, as provided for in the first section of this act, unless the said Faris shall pay to the Clerk of the Washington Circuit Court

Costs to be
paid.

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the same fees for the copying of the record, and transmission of papers to the Clerk of the Anderson Circuit Court, which are allowed to him, by law, for similar services in changes of venue in civil causes; the payment of said fees to be entered of record in the Washington Circuit Court at the time of the entry of the election of said Faris to be tried in the Anderson Circuit Court.

Approved, February 23, 1842.

CHAPTER 257.

AN ACT for the benefit of Lud Fore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Lud Fore shall be, and he is hereby, forever released from the payment of the balance of a note, amounting to one hundred and forty dollars, executed by him to the President and Directors of the Bank of the Commonwealth, on the — day of —, 1833, together with all interest that has accrued thereon.

Approved, February 23, 1842.

CHAPTER 258.

AN ACT allowing an additional Constable to Lawrence county, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that a great portion of the citizens of the county of Lawrence, residing on Big Sandy river, below John Strahan's, down to the Carter county line, labor under great inconvenience for want of a Constable residing in said boundary—Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be allowed one additional Constable to the county of Lawrence.

SEC. 2. *Be it further enacted*, That the Constable's district in the county of Russell, in which John Williams at present resides, and acts as Constable, be, and the same is, so altered as that the boundary line thereof shall run from Henry Keakey's to Edward I. Bullock's saw mill, and thence to the old paper mill in Russell county.

Approved, February 23, 1842.

CHAPTER 259.

AN ACT for the benefit of the Female Academies of Nazareth and Loretto.

WHEREAS, by the acts incorporating the Female Academies of Nazareth and Loretto, the Bishop of Bardstown, for the time being, is constituted Moderator of the Boards of Trus-

tees for said Academies; and no provision has been made, in said acts of incorporation, in case of the absence, sickness, or inability, of the Bishop to attend said Boards—wherefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bishop of Bardstown be, and he is hereby, authorized and empowered to constitute and appoint some suitable and qualified person to preside as Moderator of the respective Boards of said institutions; but whenever the Bishop shall die, then the last Moderator, appointed by the Bishop, shall perform the duties of Moderator until another Bishop shall be duly appointed and installed.

Approved, February 23, 1842.

CHAPTER 261.

AN ACT for the benefit of Harrison Rankins and wife and children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, "an act for the benefit of Harrison Rankins and wife and children," approved, February 14th, 1839, as directs the proceeds of a sale of the land, to be vested in other lands, be repealed, and the money arising under the sale of the land, shall remain in the hands of the Commissioner or Guardians, to be paid over to those who are entitled to the same, with the interest accruing upon the same: *Provided,* the said Commissioner or Guardians shall execute bond and security in the Circuit Court, conditioned, according to law, before any decree for a sale is made.

Approved, February 23, 1842.

CHAPTER 262.

AN ACT act for the benefit of Mary Hyatt and her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Mary Hyatt, widow of John Hyatt, to present her petition to the Louisville Chancery Court, praying that a tract of land, which was the property of her deceased husband, John Hyatt, lying in Hancock county, may be sold for the payment of his debts; and, thereupon, the court shall issue process, and cause the same to be served on the children of said John Hyatt, warning them of said petition; and after said service, shall appoint some discreet person a guardian, *ad litem*, for said children, in the matter of said petition; and if it shall appear to said court, on the hearing thereof, as soon as may be, that it will be for the advantage of said children that said land should be sold for the payment of said Hyatt's debts, instead of other property of said children, then said court may decree the sale of said land, and

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order a deed to be made to the purchaser, and make such order in regard to the application of the proceeds thereof as shall be necessary and proper.

Approved, February 23, 1842.

CHAPTER 263.

AN ACT to change the name of William O. Gallihew to that of William Rice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William O. Gallihew be changed to the name of William Rice, and that hereafter said Gallihew shall be called and known by the name of William Rice.

Approved, February 23, 1842.

CHAPTER 265.

AN ACT for the benefit of the heirs of Knight B. Curd, late of Warren county, Kentucky.

WHEREAS, it is represented to the General Assembly, of the Commonwealth of Kentucky, that Knight B. Curd, late of Warren county, Kentucky, departed this life intestate, possessed of a tract of land lying in the aforesaid county of Warren, between two and three miles south-west of Bowlinggreen, on the road leading from Bowlinggreen to Russellville, which said road divides said tract of land, and leaves a portion of the same, say from eight to twelve acres, on the north side of said road, and detached from the tract; and whereas, it is further represented that Benjamin R. Briggs owns about from eight to twelve acres of land on the south side of the aforesaid road, and adjacent to the land of the aforesaid K. B. Curd, deceased, and the mother of the heirs, who are minors, of the aforesaid Curd and the said Briggs are willing to make an exchange of said detached portions of land—wherefore,

Chancellor
may decree a
conveyance of
land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the said infants, by Mary Curd, widow of the said K. B. Curd, to file, upon oath, her bill, as the next friend of her children, in the Warren Circuit Court, alledging that the foregoing exchange of lands will result beneficially to the heirs aforesaid; and upon proof of the fact, either oral or written, before the Chancellor, it may be lawful for him to appoint a Commissioner to convey to the said B. R. Briggs the portion of land belonging to the heirs of the said K. B. Curd, lying on the north of the aforesaid road, upon satisfactory proof that the said B. R. Briggs has conveyed to the aforesaid heirs of the aforesaid quantity of land he owns on the south side of said Russellville road.

Approved, February 23, 1842.

CHAPTER 270.

AN ACT to incorporate the Greenup Iron Manufacturing Company under the general law.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John T. Woodrow, Isaac Trimble, William McIntosh, John Trimble, George W. Darlington, or any three of them, and such other persons as may become their associates, and their successors and assigns, be, and they are hereby, created a body corporate, with perpetual succession, by the name and title of "The Greenup Iron Company," for the purpose of making iron, and manufacturing the same into pig metal, and castings of all kinds and forms, and of making and manufacturing iron in all its varieties, in the county of Greenup, and State of Kentucky, and by that name and title may contract and be contracted with, sue and be sued, plead and be impleaded, as natural persons, and may act without a common seal, or have and use a common corporate seal, and may change, alter and renew the same at pleasure, and generally to do and perform all acts and things that corporations for particular purposes may rightfully do; and shall, for the purposes aforesaid, and for the purpose of vending and trading in the manufactured articles aforesaid, have all the powers and privileges, and shall be subject to all the duties and requirements contained and provided, respecting such corporations, in and by an act, entitled, "an act to establish a general law concerning Manufacturing Corporations," which act is hereby extended to, and made a part of, this act; and the said Greenup Iron Company may lawfully hold real estate as a part of its capital stock, and is hereby enabled to acquire, hold, and enjoy, lands, tenements, and rents, and iron ore and stone coal privileges, and all other rights and privileges necessary and proper to carry on and accomplish the said manufacturing purposes: *Provided*, that the real estate subscribed as capital stock shall be first valued by three disinterested persons, who shall value the same upon oath, which real estate, so valued, may then be subscribed at the valuation: *And, provided further*, that the whole amount of capital stock shall not exceed the sum of two hundred thousand dollars, one hundred and forty thousand dollars of which may be real estate, subscribed as aforesaid.

Company incorporated.

Corporate powers.

Approved, February 23, 1842.

CHAPTER 271.

AN ACT for the benefit of the Georgetown Light Artillery.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Georgetown Light Artillery to appoint a Collector of fines and forfeitures, who, after having executed his bond to the Company

Collector may be appointed.

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with good and sufficient security, in the penalty of five hundred dollars, for the faithful performance of his duty, and lodged the same with the Captain thereof, shall have as full power to collect fines and forfeitures as the Sheriff now has in like cases, and that all moneys collected by him shall be paid over to the Treasurer of the Company, who shall receipt and account for the same.

Accounts set-
tled.

SEC. 2. That all moneys collected shall be for the use of said Company, and that the commissioned officers are hereby authorized to settle at least once a year with the Collector and Treasurer, and see that the accounts of said Company Treasurer and Collector be adjusted.

Who may
join company.

SEC. 3. That any individual in the county of Scott may become a member of said Company, whether he live within the boundary of Georgetown or otherwise.

Approved, February 23, 1842.

CHAPTER 272.

AN ACT for the benefit of Henry O. Brown and others.

WHEREAS, Henry O. Brown stands as security for James Coleman on two bonds executed to this Commonwealth for public arms, the first bearing date May the 6th, the other July the 7th, 1818, for ninety stand of Cavalry arms, and good reasons being adduced that said Coleman is solvent and able to pay for the same—for remedy whereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the above mentioned bonds shall be void and of no effect, so far as the said Brown is concerned.

SEC. 2. *Be it further enacted*, That the said Brown and his securities be released from all liability on a bond executed by them to the State for fifty stand of muskets and accoutrements.

Approved, February 23, 1842.

CHAPTER 273.

AN ACT for the benefit of Thomas G. Tupman and his securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas G. Tupman, and his securities, be released from all liabilities and penalties of a bond executed by said Tupman, and his securities, to this State for forty stand of muskets, &c.

Approved, February 23, 1842.

CHAPTER 274.

AN ACT for the benefit of George W. Bush and others.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George W. Bush and his securities, Pleasant Bush and Addison Bush, be released from all liability on a bond executed by them to the Commonwealth for sixty stand of muskets and accoutrements: *Provided*, said Bush pays all costs that has accrued on said arms by a suit brought in the General Court for the return of the same. Said bond bears date 24th September, 1827.

Approved, February 23, 1842.

CHAPTER 275.

AN ACT for the benefit of certain Sheriffs.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Second Auditor of Public Accounts shall suspend the issuing of executions on the judgments recovered at the February term, 1842, of the General Court, for the non-payment of the revenue tax of the year 1841, against the Sheriffs of the counties of Campbell, Spencer, Wayne, Owen, Casey, Clay, Monroe, Bullitt, Russell, Estill, Muhlenburg, and Oldham, until the first day of June next: *Provided*, that the Sheriffs of the counties aforesaid shall, on or before the first day of May next, file with said Auditor the consent of their securities to the indulgence hereby given, which consent shall be given in the County Court, and be certified by the Clerk thereof; and upon the payment of judgments, or any of them, by the Sheriffs of the counties herein before named, or any one of them, on or before the said first day of June, 1842, then, and in that case, the damages awarded against such Sheriff, or Sheriffs, so paying, shall be remitted.

SEC. 2. That the Sheriffs of the counties of Wayne, Bullitt, Clay, and Monroe, shall be allowed until the first day of June next to make out and return to the Second Auditor of Public Accounts their delinquent lists of revenue tax for the year 1841, and the same shall be received by said Auditor in the same manner as though such delinquent lists had been made out and returned in the time prescribed by law.

Approved, February 23, 1842.

CHAPTER 276.

AN ACT to authorize the Trustees of the town of Mayfield to sell a lot, known on the plan of said town as the "College lot," and purchase another.

WHEREAS, it is represented to the present General Assembly, that there are two lots in the town of Mayfield, Graves

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county, that have been set apart for public purposes, to-wit: the one known on the plan of said town as the "College lot," and the other known on the plan aforesaid as lot No. 50: and whereas, the Trustees of said town are desirous of selling the lot known as the "College lot," and investing the proceeds thereof in aid of the erection of a permanent school house on the lot No. 50, but doubts have arisen whether the said Trustees have legal authority to make said sale and investment—for remedy whereof,

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Mayfield are hereby vested with full and ample authority to sell the lot known on the plan of said town as the "College lot," and make a deed of conveyance to the purchaser, for the best price they can procure, and apply the proceeds thereof to the building of a permanent school house on lot No. 50.

SEC. 2. Be it further enacted, That the said lot No. 50 be, and the same is hereby, permanently invested in the Trustees of the town of Mayfield, and their successors in office, for the purpose aforesaid.

Approved, February 23, 1842.

CHAPTER 277.

AN ACT allowing further time to the 32d Regiment, Kentucky Militia, to hold their Court of Assessment.

WHEREAS, it is represented to the present General Assembly, that the officers of the thirty second Regiment, Kentucky Militia, did not, at the time required by law, in the years of 1840 and 1841, hold their Courts of Assessment, whereby the fines are likely to be lost to said Regiment—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the officers of the said thirty second Regiment of Kentucky Militia may meet for the purpose of holding their Court of Assessment, at the court house in the town of Shepherdsville, in the county of Bullitt, on the third Saturday in March, 1842, and proceed, as by law required, to assess the fines for said Regiment for the years 1840 and 1841, and do such other things, in relation to said Court of Assessment, as if they had met at the times required by law; and the said proceedings shall be as effectual in law as if held at the usual time appointed; and the said fines shall be listed with the Sheriff of Bullitt county within thirty days after the sitting of said Court of Assessment, who shall proceed to collect the same as now required by law, and pay over the same as required by law, on or before the first day of January next; and on failure thereof shall be liable to the penalties now imposed by law for a failure to collect and pay over militia fines,

to be recovered in like manner, and may return delinquent lists as is now authorized by law, any time before the first day of January next.

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Approved, February 23, 1842.

CHAPTER 278.

AN ACT for the benefit of Richard T. and John H. Allison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John S. Allison to present his petition to the Louisville Chancery Court, stating, on oath, that he believes it will be for the interest and advantage of his two sons, Richard T. Allison and John H. Allison, who are under twenty one years of age, to have a tract of land, of about thirty nine acres, in Jefferson county—which was conveyed to Emily R. Allison, Richard T. Allison, and John Henry Allison, by William Richardson, by deed dated 1st day of July, 1833, and recorded in the Jefferson County Court Clerk's office—sold, and the proceeds laid out in the purchase of other property for said infants, who are now the sole owners; and on process being served on said infants, the court shall appoint some discreet person guardian *ad litem*, for them, and if it shall appear upon a hearing of said petition, that it will be for the interest of said infants to have said land sold, and the proceeds thereof invested in other property, the said court may make such order for the sale of said land, and the conveyance thereof to the purchaser, and the safe investment of the proceeds of said sale, as to the Chancellor shall be proper and effectual.

Approved, February 23, 1842.

CHAPTER 279.

AN ACT for the benefit of the widow and heirs of John T. Langhorne, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the widow of John T. Langhorne, deceased, in connexion with the heirs that are over the age of twenty one years, and the guardians of those under the age of twenty one years, to file a petition in the Mason Circuit Court, praying the said court for a sale of a brick house and lot situated in the city of Maysville, upon Main cross street, between Second and Third streets, of which house and lot the said John T. Langhorne died seized; also, one vacant or unimproved lot situated in the said city of Maysville, at the corner of Main cross and Fourth streets, it being the south-west corner of Main cross and Fourth streets; and it shall be lawful for the said Circuit Judge to receive and de-

A sale of real estate authorized.

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cree upon said petition at the first term, and if the said Circuit Judge, upon appointing three Commissioners who shall report the facts to him, shall determine that it is necessary to sell the said lots, to the payment of the debts of said estate, or to the advantage of the heirs that the said house and lots shall be sold, then it shall be lawful for the said Circuit Judge to decree a sale of the said house and lots, upon such reasonable credit as he shall, in his discretion, think reasonable and right, and decree the Commissioner to make a title to the purchaser, retaining a lien upon the said house and lots for the payment of the purchase money: *Provided*, that no sale shall be decreed until bond and security shall be executed by the guardians of the infant heirs, faithfully to keep and pay over to the infant heirs such portion of said sale as shall be coming to them after the payment of the debts due the estate, when said infants shall arrive of age.

Approved, February 23, 1842.

CHAPTER 280.

AN ACT for the divorce of Elisha Weller.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Elisha Weller and his wife, Ann Weller, be, and the same is forever, dissolved, so far as relates to said Elisha; and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, February 23, 1842.

CHAPTER 281.

AN ACT to reduce the number of Justices of the Peace in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Nicholas shall not hereafter, when any vacancy may happen in said court by death, resignation, or otherwise, make any nomination to fill such vacancy until the number of Justices of the Peace, in said county, shall be reduced to fifteen, any law to the contrary notwithstanding.

Approved, February 23, 1842.

CHAPTER 282.

AN ACT for the benefit of the Sheriffs of Nicholas and Lawrence counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time, until the first day of December next, be allowed the Sheriffs of Nicholas

and Lawrence counties to make out and return to the Auditor their delinquent list of revenue tax for the year eighteen hundred and forty one.

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SEC. 2. That Samuel Arnett, late Sheriff of Nicholas county, be allowed until the first day of March next, to return to the Auditor his delinquent list of revenue tax for the year 1840; and the Auditor, upon the receipt of said lists, or either of them, shall draw a warrant on the Treasury for the amount thereof, in favor of the said Sheriffs, and late Sheriff, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 23, 1842.

CHAPTER 284.

AN ACT for the benefit of Common Schools in Franklin county.

WHEREAS, the Legislature of Kentucky did, by an act, approved, 17th December, 1800, vest in certain Trustees six thousand acres of land for the use and benefit of an institution of learning, to be called "Franklin Academy," which have been sold: and, whereas, it is represented to the present Legislature that there are some funds and property in the hands of the surviving Trustees of said Seminary, or their former Treasurer—wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Commissioners of Common Schools for Franklin county, to call on John H. Hanna, surviving Trustee of William S. Waller, late Treasurer of said Franklin Seminary, for all the funds and property in their hands belonging to said Seminary; the said funds to be loaned out, and the interest to be applied for the use and benefit of the several schools in Franklin county, that have and may hereafter adopt and put into operation a school in their respective districts.

Common school commissioners may receive the funds of Franklin academy.

SEC. 2. It shall be lawful for the Trustees of Common Schools, in Franklin county, to receive into their respective Schools, children from adjoining districts where the system may have been rejected, and to agree with the parents or guardians of said children as to the terms of admission; and to draw from the Common School fund the same amount that is now paid for children where the system has been adopted: *Provided*, that said children shall not be admitted whenever the district to which they belong adopt the system.

Children of adjoining districts may be received.

Proviso.

Approved, February 23, 1842.

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CHAPTER 287.

AN ACT for the benefit of the infant heirs of Tabitha Gooch, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the heirs of Tabitha Gooch, deceased, that are over twenty one years of age, to join with the guardians of the infant heirs, and petition the Chancellor, the county of Mason, to sell the land and slaves of the estate of said Tabitha Gooch, deceased; and it shall be the duty of the Chancellor, at the first term, to appoint three discreet householders, of the county of Mason, who shall enquire into and report if it shall be to the benefit of the said infant heirs to sell the said land and slaves; and if the said Commissioners shall report that it will be to their advantage, it shall be the duty of the Chancellor, at the first term, to decree a sale of the said land and slaves, by a Commissioner, upon a reasonable credit, and direct a conveyance to be made to the purchaser, retaining a lien for the purchase money: *Provided*, that no sale and division of the proceeds shall be made until the guardians of the infant heirs shall severally enter into bond, with security, conditioned faithfully to keep and pay over to the infants their portions of said sale and interest, upon said infants arriving at the age of twenty one years.

Approved, February 23, 1842.

CHAPTER 288.

AN ACT for the relief of the widow and heirs of Christopher A. Rudd, deceased.

WHEREAS, Christopher A. Rudd, deceased, late of Washington county, Kentucky, in his lifetime, sold, by parole, to George W. Worland, of the county and State aforesaid, a small tract or parcel of land, near the town of Springfield, in said county, adjoining the land of ——— Mullican, ——— Skidmore, and said Rudd, by metes and bounds, the precise lines and corners of which are or may be ascertained by survey, estimated to contain about nine and one fourth acres, be the same more or less, at a price, per acre, agreed upon by them, and which was to be paid by said Worland, or accounted for in the settlement of dealings between the parties, and which tract or parcel of land the said Worland took into his possession, under said purchase, and has used as his own since: and, whereas, the said Christopher A. Rudd departed this life, leaving a will whereby his widow and relict, Ann B. Rudd, has a life interest in his estate, and is also left his sole executrix, and his estate, after her interest expires, is to go to his children and heirs at law, and without making a deed for said land to said Worland, whereby the legal title thereto descends ultimately to his children and heirs at law, some of whom are infants under the age of twenty one years, and one a *feme covert*: and, whereas, it is for the interest of said widow and chil-

dren that the legal title thereof should be passed to said Worland, instead of their being now compelled to take back the land aforesaid—now therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Ann B. Rudd be, and she is hereby, authorized and empowered for, and on behalf of, the children, and heirs at law, of the said Christopher A. Rudd, and the husband of the *feme covert*, and herself, to convey by deed of general warranty the legal and equitable title to the said tract or parcel of land to the said George W. Worland, his heirs, executors, or assigns; and the deed, so made, shall be good, to all intents and purposes, to pass the legal and equitable right and title from said widow, children, and heirs, and husband aforesaid, for said land, as if made by the parties aforesaid, when of full age, and in proper person, and with general warranty as aforesaid.

A conveyance of land authorized

Approved, February 24, 1842.

CHAPTER 289.

AN ACT to authorize the Clerk of the Woodford County Court to make out a general cross index to deeds and other papers of record in his office.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Clerk of the County Court of Woodford be, and he is hereby, authorized and directed to make out a general cross index to all the deeds and other instruments of writing on record in the County Court Clerk's office of said county, and shall submit the same to said court for its approval.

SEC. 2. That the said court shall, after it shall have examined and approved of the index hereby directed to be made out, at its next Court of Claims, levy upon the county a sum sufficient to pay for the same, or they may pay it out of any moneys of said county, in deposit, not otherwise appropriated.

Approved, February 24, 1842.

CHAPTER 290.

AN ACT for the benefit of John F. Linton, infant heir of John H. Linton, dec'd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Thomas B. Hughes, as guardian of John F. Linton, infant child and sole heir of John H. Linton, who died intestate, to apply to the payment of the debts of said decedent, so far forth as the same may be necessary, (he being the administrator of said decedent,) a certain sum of money in the hands of, or subject to the order of, said Hughes, as guardian aforesaid, it being the distributive share of the proceeds of the sale of a tract of land decreed by the Washington Circuit Court, on the petition of said John H. Lin-

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ton and others, the heirs of Francis Green, deceased, it appearing to this General Assembly that the personal estate of said decedent, John H. Linton, has proved inadequate to the payment of his debts, and consequently a sale of one or more of the slaves descended from said John H. Linton to his son John F. Linton will be required for the payment of said debts, unless averted by the application of said land fund as aforesaid.

Approved, February 24, 1842.

CHAPTER 291.

AN ACT to incorporate the town of Pleasureville.

Town limits. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the free white male inhabitants of the town of Pleasureville, in the county of Henry, the limits of which is hereby defined as follows, to-wit: beginning at a planted stone in the south-western corner of the yard belonging to John J. Hall's family residence; thence north 12 poles; thence east 93 poles; thence south 45°, west 19½ poles, to the road; thence, with the road, west one pole; thence south 45°, west 18 poles; thence north 60 poles; thence to the beginning; and the free white male citizens of said town who have obtained the age of twenty one years, shall, on the first Monday in April, 1842, and on the same day in each and every year thereafter, meet at some convenient place within said town, and proceed to elect five Trustees for said town, who shall hold their office for one year next after their election, or until their successors are duly appointed; and the said first election shall be conducted under the direction of William O'Bannon, or some other Justice of the Peace for said county, who shall act as Judge therein; and said Trustees shall take an oath before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them by law as Trustees.

Election of trustees.

SEC. 2. That said Trustees, and their successors, shall be a body corporate, and by the name and style of the Trustees of the town of Pleasureville, may sue and be sued, plead and be impleaded, in any of the courts of law or equity of the Commonwealth; they shall have power to pass all necessary ordinances and by-laws for the improvement, regulation and advancement of the interest and morals of said town, not inconsistent with the constitution of the United States, or the constitution and laws of this State.

Trustees incorporated.

SEC. 3. Said Trustees shall have power to receive a conveyance by donation, or purchase, any lot or lots of ground in or near said town, for the purpose of the erection of a school house, meeting house, or any other necessary or needful public buildings, and may order, provide for, and contract for, their erection. They shall have power to assess a poll tax on

Powers of trustees.

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the tythables of said town, not to exceed one dollar a head, and levy an ad valorem tax on the real and personal estate within said town, that is now taxed by the revenue law of this Commonwealth, not to exceed ten cents on each one hundred dollars worth of property. They shall have power to contract for the sinking of wells, the improvement of springs, the grading and improvement of streets and alleys, and the paving of the side walks of said town. They shall have power to levy and collect from the owners or managers of all exhibitions of animals, or shows of all and every description, that shall be exhibited within the limits of said town, any amount that shall be ordered by a Board of said Trustees, not to exceed the sum of twenty dollars; and shall have power to pass by-laws to prevent racing, or running horses, within the limits of said town, or to prevent any person or persons from leading, or riding, or hitching, their horses on the side walks, or the suppression of all other disorderly conduct or practice within the same.

SEC. 4. *Be it further enacted*, That the Trustees of the town of Pleasureville shall have jurisdiction for one half mile, in all directions, over all shows and showmen, of all descriptions, pedlers and auctioneers, and all exhibitions and performances where money is charged for admittance for a sight thereof, under such penalties as they may choose to impose; and it shall be the duty of all Justices of the Peace in Henry county to take jurisdiction of all offences against the provisions of this act, or against the laws and ordinances of the Board of Trustees, made by authority thereof, and to render judgment and award execution thereon; and all fines and penalties imposed by this act, or by the by-laws and ordinances of the Board of Trustees, shall be recoverable in the name of the Trustees of the town of Pleasureville, and shall be applied by them in such manner as they may deem of the most importance to the general welfare of the citizens, and the improvement of the town.

SEC. 5. *Be it further enacted*, That the said Trustees shall appoint one of their body as President, who shall sign the record and proceedings of each meeting; who shall have power to call a meeting of the Board at any time, and preside over the meetings, keep order, &c. It shall require a majority of said Board to do business; and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by said Trustees, shall be by them appropriated to purchases and improvements before directed.

President.

SEC. 6. The said Trustees shall elect a Clerk, who shall continue in office one year, or until another is duly appointed, whose duty it shall be to preserve and safely keep all papers belonging to, or filed with, said Board, and shall attend the meetings of said Board and record all their proceedings, in a book to be procured by said Board for that purpose; and shall copy and certify all records and ordinances that may be ne-

Clerk.

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cessary, and to record a map or plan of said town in said book, when made out and furnished.

Assessor.

SEC. 7. That said Trustees shall appoint an Assessor to assess the property and persons within said town, liable to taxation; and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

Collector.

SEC. 8. *Be it further enacted*, That said Board shall have power and authority to appoint a Collector, who shall have power and authority to collect, by distress or otherwise, the tax levied upon the persons and property within said town, as before directed.

Collector's
bond.

SEC. 9. *Be it further enacted*, That said Collector shall, before he proceeds to perform the duties prescribed in the eighth section of this act, execute bond, before said Trustees, in such penalty as the Board shall direct, with sufficient security to be approved of by them, payable to said Trustees, conditioned for the faithful collection of said tax, and the payment of the same over to said Trustees, or to such person or persons as they shall direct; and for a breach of the condition of said bond, said Trustees shall have power and authority to move against said Collector, either by suit on said bond, or motion, in the Henry Circuit Court, and by a judgment of said court, recover against said Collector, and his securities, any amount of money that may be found due from him, with twenty per centum thereon, and shall have execution therefor against them; and the Clerk of said court shall endorse thereon that no security of any kind shall be taken.

Treasurer--
his bond.

SEC. 10. That said Board shall have power to appoint a Treasurer, who shall keep the funds of said Board safe, and pay the same over, by order of said Board, or the President thereof, to such person or persons as he shall be directed; and said Board may require bond and security of said Treasurer, conditioned as aforesaid, and, for a breach of said bond, shall be subject to the same proceedings, and subject to the same penalties, that are prescribed in the ninth section of this act against delinquent Collectors.

Town Ser-
geant.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Trustees to appoint a town Sergeant, who, upon oath as a sworn officer, shall be required to give notice to some one member of the Board of all persons who commit a breach of the laws or by-laws of said town, and whose duty it shall be to see that the provisions of this act, and the regulations made in pursuance thereof, is carried into effect, and the Trustees shall allow him compensation for his services.

Pay of officers.

SEC. 12. That said Board shall fix, by law, the rate of compensation to all her subordinate officers, and shall have authority to sue for and recover all penalties annexed to a breach of their ordinances and by-laws, before a Justice of the Peace, or other proper tribunal having jurisdiction thereof.

SEC. 13. *Be it further enacted*, That unless a majority of all the free white male citizens of said town shall proceed to the election of Trustees, as directed by this act, within two years from its passage, then, and in that event, it shall be void and of no effect.

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Trustees to
be elected with-
in two years.

SEC. 14. *Be it further enacted*, That the President of the Board of Trustees of the town of Pleasureville shall have concurrent jurisdiction, within the town bounds, for the fiscal, prudential, and municipal regulations, with the Justices of the Peace for the county of Henry, in all cases; and he shall have power to issue process, in the name of the Commonwealth, for the use of said Trustees of the town of Pleasureville, directed to any Constable, either within or without the bounds of said town, who shall regard and obey such process as if issued by a Justice of the Peace, and shall return the same, when executed, to said President of the Board of Trustees, who is hereby authorized to try all cases within said bounds, hear testimony on oath, and render judgment thereon, and shall have the same power to issue *capias pro fine*, or other executions, as Justices of the Peace are authorized in similar cases to do, but shall charge no fees thereon; and all fines which may be collected under the provisions of this act, shall be used by the Trustees for the benefit of said town; and the Clerk shall keep a record of the amount of said fines, and the manner of their disbursement: *Provided, however*, that before the said President of the Board of Trustees shall exercise any of the powers granted by this act, he shall take an oath, before some acting Justice of the Peace for said county, to perform all the duties of his office fairly and impartially, to the best of his judgment.

Powers of the
president of the
board.

Fines, how
appropriated.

Approved, February 24, 1842.

CHAPTER 292.

AN ACT to amend an act, entitled, an act to incorporate the city of Covington, approved 24th February, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act to incorporate the city of Covington," approved February 24th, 1834, be so amended that the Mayor and Councilmen of said city be, and they are hereby, authorized to alter or change any road, street, or alley, within the limits of said city, under the same rules and regulations, prescribed in said act, for the opening of any new street or alley, or the extension of any street or alley, in said city.

Approved, February 24, 1842.

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CHAPTER 293.

AN ACT allowing additional Justices of the Peace to the counties of Spencer and Warren.

WHEREAS, it is represented that the citizens of Spencer county, in the neighborhood of Thomas Newman's, in said county, labor under great inconvenience for the want of a Justice of the Peace in said neighborhood—for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Justice of the Peace be, and the same is hereby, allowed to the county of Spencer.

SEC. 2. That an additional Justice of the Peace be allowed to the county of Warren.

Approved, February 24, 1842.

CHAPTER 295.

AN ACT for the benefit of David A. Sayre.

WHEREAS, it is represented to the present General Assembly, that David A. Sayre has lost, in the mail between Philadelphia, Pennsylvania, and Lexington, Kentucky, ten bonds on the Commonwealth of Kentucky, viz: all dated in the year 1840, of the denomination of one hundred dollars each, as follows, and payable in six years from the date: No. 25, dated April 22d; No. 79, same date; No. 3,536, July 28th; No. 4,014, September 4th; No. 246, April 24th; No. 532, April 29th; No. 1,531, May 2d; No. 1,530, May 2d; No. 3,488, July 22d; No. 4,410, September 29th—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so soon as the said David A. Sayre shall produce to the Auditor of Public Accounts written evidence that the said bonds were deposited in the post office, in Philadelphia, for the benefit of the said Sayre, and shall also exhibit and file with the Auditor his own affidavit that the said bonds never came to hand, and that he verily believes that the same have been lost, it shall and may be lawful for the auditor to receive and file, in his office, said evidence and affidavit, and note on the margin of the book containing the schedule of the State bonds the words "lost in the hands of David A. Sayre;" whereupon, it shall be lawful for the said Auditor to pay to the said Sayre the amount of interest which, semi-annually, accrues thereafter; and also give to said Sayre a certificate specifying the amount and date of each bond as lost aforesaid, the whole to be included in one certificate; and upon the production of which certificate, the same shall be redeemed as other State bonds when they become due.

Lost State
bonds renewed.

1842

Sec. 2. *Be it further enacted*, That previous to the Auditor's giving said David A. Sayre a certificate for the said lost bonds, or payment of any portion of the interest thereon, the said Sayre shall execute, and deposit with the Secretary of State, a bond, with security, to be approved of by the Governor, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, and conditioned to indemnify the said Commonwealth from all loss and damage arising from the production of said bonds, so represented to be lost, by the said Sayre, or any other person; and the Governor of Kentucky may, at any time, require the said Sayre to renew his bond.

Approved, February 24, 1842.

CHAPTER 297.

AN ACT for the benefit of William Ward of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, "an act for the benefit of William Ward of Greenup county," approved, January 25, 1827, be, and the same is hereby, repealed: *Provided*, this act shall not have or be of any effect, until said Ward shall satisfactorily prove to the County Court of Greenup that the dam, in the above recited act, has been reduced to the same height it was before the passage of said act aforesaid.

Approved, February 24, 1842.

CHAPTER 298.

AN ACT for the benefit of Thomas Prator, committee for Josiah Prator, an idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer for twenty five dollars in favor of Thomas Prator, committee for Josiah Prator, an idiot, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 24, 1842.

CHAPTER 299.

AN ACT authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees now in office of the Hopkins Seminary, located in the town of Madisonville, be, and they are hereby, authorized to elect five additional Trustees to

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the number now allowed by law; and in case of death, resignation, or refusal to act, may fill any vacancy which may so happen.

Approved, February 24, 1842.

CHAPTER 301.

AN ACT for the benefit of Milly Young, and others.

A sale of land
—deed to in-
fants, &c., au-
thorized, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William F. Young and Milly Young, his wife, to file their petition, on oath, in the Washington Circuit Court, alledging, in substance, that Matthew Yocum, Sen'r, deceased, executed a deed of gift conveying to said Milly Young, late Milly Yocum, for life, a certain tract of land lying in Washington county, on the waters of Glen's creek and Beech Fork, and containing about one hundred and two acres, with remainder, over to Emeline Wakefield, (formerly Emeline Jackson,) the wife of Squire Wakefield; Sally Coulter, (formerly Sally Matthews,) the wife of Peter W. Coulter; Polly Young, William Allen Young, Matthew Young, Marquis de La Fayette Young, and Jackson Young, in fee simple; and that some of said grantees, in remainder, are infants under the age of twenty one years; and that, in the opinion of said William F. Young and wife, the sale of said land and investment of the proceeds of said sale in other lands, lying in this or some other State, would redound to the permanent welfare of the owners of said land; such after acquired land, to be vested in the said Milly F. Young, with remainder, in fee simple, to the aforesaid Emeline Wakefield and others, the grantees of the said Matthew Yocum, Sen'r; and upon such petition such proceedings shall be had as are authorized and required by the act, entitled, an act to amend an act, entitled, an act vesting jurisdiction in the Circuit Courts to authorize the sale of the real estate of infants, in certain cases, so far as the provisions thereof may be applicable, except that it shall not be necessary for the court to ascertain by Commissioners, or otherwise, the amount of the real and personal estate of the infant parties; and if, upon the hearing of said petition, said court shall be satisfied by proofs, taken orally or by depositions, that the sale of said land, and investment of the proceeds of sale in the purchase of an other tract of land, as prayed for in said petition, would conduce to the permanent advantage of such of the said grantees, in remainder, as are infants, then said court shall decree a sale of said land, in the manner prescribed by said act, and through the medium of a responsible Commissioner, cause the proceeds to be re-invested in another tract of land, in or out of this State, to be conveyed to said Milly F. Young, for life, with remainder, in fee simple, to the other parties to said petition: *Provided, however,* that the court shall not de-

cree a sale of said land without the assent of the adult parties, duly expressed of record, nor until said William F. Young, or some other of the adult parties shall execute bond, in an adequate penalty, and with sufficient security, payable to said infant parties, with condition that their fair proportion of said proceeds of sale shall be paid to said infants, as they may severally attain to the age of twenty one years, unless vested in the purchase of another tract of land, agreeably to the requirements of said decree; and said court shall, by the appropriate orders and decrees, secure such re-investment of said proceeds of sale, by requiring from the Commissioner, or other depository thereof, bond with adequate security for the due application of said proceeds, or the safekeeping thereof, so as to abide any order which said court may make for the effectuation of the purposes contemplated by this act.

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Approved, February 24, 1842.

CHAPTER 302.

AN ACT to incorporate the town of Independence in the county of Kenton, and further to regulate the town of Stephensport.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the free white male inhabitants residing in the town of Independence; in the county of Kenton, and the owners of lots in said town, shall, on the first Saturday in March, 1842, and on the same day in every year thereafter, meet at some convenient place within said town, and proceed to elect five Trustees for said town, who shall hold their office for one year next after their election, or until their successors are duly appointed and qualified; and the said first election shall be conducted under the direction of Lewis Klette, or some other Justice of the Peace of said county, who shall act as Judge therein; and said Trustees shall take an oath, before some Justice of the Peace for said county, truly and faithfully to perform the duties enjoined on them, by law, as Trustees.

Trustees to
be elected, and
whea.

SEC. 2. *Be it further enacted*, That said Trustees, and their successors, shall be a body corporate, by the name and style of "the Trustees of the town of Independence;" may sue and be sued, plead and be impleaded, in any of the courts of law or equity of this Commonwealth; they shall have power to pass all necessary ordinances and by-laws for the improvement, regulation, and advancement, of the interest and morals of said town, not inconsistent with the constitution of the United States and the laws of this State.

Incorporated.

Corporate
powers.

SEC. 3. Said Trustees shall have power to receive a conveyance, by donation or purchase, any lot or lots of ground, in or near said town, for the purpose of the erection of a market house, school house, meeting house, or any other necessary or needful public buildings; and may order, provide for, and

May purchase
property, and
erect buildings,
&c.

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contract for, their erection; they shall have power to assess, on the legal tythables of said town, not to exceed one hundred cents per head, and levy an *ad valorem* tax on the real and personal estate within said town, that is now taxed by the revenue laws of this Commonwealth, not to exceed fifty cents on each one hundred dollars worth of property; they shall have the power to contract for the sinking of wells, the improvement of springs, the grading and improvement of the streets and alleys, and the paving of side-walks, of said town; they shall have power to levy and collect from the owner or managers of all exhibitions of animals, or shows of all and every description that shall be exhibited within the limits of said town, any amount that shall be ordered by the Board of Trustees, not to exceed the amount of twenty dollars; and shall have power to pass by-laws to prevent racing, running horses, or shooting within the limits of said town, and the suppression of all other disorderly conduct or practices within the same; they shall appoint one of their body as Chairman, who shall sign the record and proceedings of each meeting, who shall have power to call a meeting of the Board at any time, and to preside over the meetings, keep order, &c.; it shall require a majority of said Trustees to do business, and all fines and forfeitures that shall be recovered, and all taxes that shall be assessed and collected by said Trustees, shall be by them appropriated to the purchases and improvements before directed.

May elect
clerk, and his
duties.

SEC. 4. *Be it further enacted*, That said Trustees shall elect a Clerk, who shall continue in office one year, or until another is duly appointed and qualified, who shall take an oath faithfully to discharge the duties of his office; and whose duty it shall be to preserve and safely keep all papers belonging to or filed with said Board; and shall attend the meetings of said Board, and record all their proceedings in a book to be procured by said Board for that purpose, and shall copy and certify all records and ordinances that may become necessary; and to record a map or plan of said town, in said book, when made out and furnished.

Assessor.

SEC. 5. That said Trustees shall appoint an Assessor to assess the property and persons within said town liable to taxation, and upon the performance thereof, said Trustees shall fix and direct the payment of his compensation.

Collector.

SEC. 6. That said Board shall have power and authority to appoint a Collector, who shall have power and authority to collect by distress, or otherwise, the tax levied upon the persons and property as before directed.

Collector to
give bond—
and penalty for
breach.

SEC. 7. That before said Collector shall proceed to perform the duties prescribed by the sixth section of this act, shall execute bond before said Trustees, in such penalty as the Board shall direct, with sufficient security, to be approved by them, payable to said Trustees, conditioned for the faithful collection of said tax and the payment of the same over to said Trustees, or to such person or persons as they shall direct;

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and for a breach of the condition of said bond, said Trustees shall have power and authority to move against said Collector, either by suit on said bond, or motion in the Kenton Circuit Court, and by a judgment of said court recover against said Collector, and his securities, any amount of money that may be found due from him, with twenty per centum thereon, and shall have execution therefor against them; and the Clerk of said court shall endorse thereon that "no security of any kind shall be taken."

SEC. 8. That said Board shall have power to appoint a Treasurer, who shall keep the funds of said Board safe, and pay the same over, by order of said Board, to such person or persons as he shall be directed; and said Board shall require bond and security of said Treasurer, conditioned as aforesaid, and for a breach of said bond, shall be subject to same proceedings, and subject to the same penalties, that are prescribed in the seventh section of this act against delinquent Collectors.

Treasurer.

SEC. 9. That said Board shall fix, by law, the rate of compensation to all her subordinate officers; and shall have authority to sue for and recover all penalties annexed to a breach of their ordinances and by-laws, before a Justice of the Peace, or other proper tribunal having jurisdiction thereof.

Pay to officers.

SEC. 10. That the town of Independence, aforesaid, shall be within the following limits, to-wit: beginning at the northeast corner of the lane leading from John McCollins' to Independence; thence north to said McCollins' line; thence with said McCollins' and the school house line to Casey's heirs and said McCollins' line; thence with said McCollins' and Casey's heirs line to said McCollins and T. P. Thornton's corner, late Piner's land; thence south, through said Thornton's land, forty poles to a stone, (to be planted;) thence eastwardly by a straight line as many poles as will be due south from the beginning; and thence to the beginning. This act shall be in force from and after the passage thereof.

Boundary.

SEC. 11. *Be it further enacted*, That the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth, sections of this act, shall extend to and embrace the town of Stephensport, in Breckinridge county; and the Trustees of said town, and their successors in office, shall be five in number, and be a body politic and corporate, and known by the name of the Trustees of Stephensport; and by that name and style be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, and do all other acts which a body politic, having perpetual succession, can lawfully and rightfully do and perform; they shall be elected annually, on the first Saturday in June, by the free white male inhabitants of said town, over the age of twenty one years, who shall have been *bona fide* residents of said town at least six months before said election, and shall have paid their poll tax for the preceding year, (whether the

Foregoing sections applied to Stephensport.

Trustees incorporated, and corporate powers.

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Trustees to
take oath, and
fill vacancies.

Chairman.

Marshal.

Trustees to
make deeds.

Trustees.

same hath been charged by the Assessor or not,) and also have paid all taxes due by them to said town, which upon being questioned must be satisfactorily proved; that said Trustees shall hold their offices one year, or until their successors in office are duly elected and qualified; take an oath faithfully to discharge the duties of their office, and cause vacancies in said Board to be filled by special elections; prescribe the place of holding all elections; declare any member of their body to have vacated his seat, by removal from the town, or other disqualification; they shall appoint one of their own body Chairman of the Board, to preside at all meetings of the same, and in his absence appoint a Chairman *pro tempore*; and in case of the death, removal from town, or vacation of his seat as Trustee, appoint another of their body in his stead: the election of Trustees shall be conducted by a member of the Board, appointed for that purpose, or a Justice of the Peace of Breckinridge county, if there be no Trustee in office, and be held at some convenient place in said town, if no place shall have been fixed by any ordinance of said town, and the return of the names of the persons elected shall be made to the Clerk of the Board, to be by him recorded in the Trustees record book; no suit or prosecution shall be instituted against said Board of Trustees, except in the county of Breckinridge, and the service of process upon the Chairman of the Board shall be sufficient; and said Trustees are authorized to appoint a town Marshal, and such other officers as they may deem necessary, to enforce the by-laws of said town, and execute any duty enjoined on said Trustees by this act; and, moreover, the said Trustees shall have all the powers conferred on the Board of Trustees of the town of Winchester, by the act, entitled, "an act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes," (approved, February 17th, 1840, and to be found on pages 217, 218, and 219, of the Session Acts of the year 1839-'40;) and said Trustees, or a majority of them, are authorized and required to make conveyance, by deed, to all lots within the bounds of said town, not already by them conveyed, to such person or persons, and his or their assigns, as shall, agreeably to the laws now in force, produce to them a fair and equitable title, whether the same shall be deduced from the said Trustees, the original purchaser or purchasers from the Trustees, or from any special law of this Commonwealth: *Provided*, all and every person or persons claiming deeds must show that the original purchase money is paid.

SEC. 12. *Be it further enacted*, That Robert R. Houston, John Greer, Richard A. S. Brashear, William Hays, Zachariah T. Witt, and Thomas D. Helm, be appointed Trustees of said town until the first Saturday in June next, and until their successors shall be duly elected and qualified.

Approved, February 24, 1842.

CHAPTER 303.

AN ACT for the divorce of Robert S. Bräme and Elizabeth, his wife.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Robert S. Brame and his wife, Elizabeth Brame, be, and the same is, forever dissolved, and they are hereby restored to all the rights and privileges of unmarried persons.

Approved, February 24, 1842.

CHAPTER 304.

AN ACT to change the name of Rebecca Ann Smith, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Absolom Reed to go before the County Court of Ohio county, and to declare of record that he does adopt Rebecca Ann Smith, his niece, a minor, to be his daughter, and his lawful heir, as if said Rebecca Ann had been his begotten daughter; and upon this being done, the said Absolom Reed, and the said Rebecca Ann, shall stand and be held in the relation of father and daughter in all civil respects whatever, and the said Rebecca Ann's name shall then be changed to that of Rebecca Ann Reed.

SEC. 2. *Be it further enacted*, That the name of John Thomas Elliott be changed to that of John Thomas Powell. And that the names of Alletha and Elizabeth Wheat, illegitimate children of John Wright, of Clinton county, be, and the same are hereby, changed to Alletha and Elizabeth Wright, and the said Alletha and Elizabeth are hereby legitimated and made capable in law to inherit the estate of the said John Wright, or their distributive share of the same.

Approved, February 24, 1842.

CHAPTER 307.

AN ACT to amend the act incorporating the Jefferson Pond Draining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Jefferson, sitting to transact county business, at the earliest convenient term, and once in each year thereafter, shall appoint a Commissioner to settle the accounts of the Board of Managers of the Jefferson Pond Draining Company; and it shall be the duty of said Managers, on the application of said Commissioner, to present to him their accounts, clearly and succinctly setting forth the amount of money received by them, and by and to whom, and at what time, paid, and for what it was paid; and said Commissioner shall adjust and balance said accounts, and

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report his proceedings to the County Court, who shall note said return on their order book, and file the papers in their Clerk's office.

Approved, February 24, 1842.

CHAPTER 308.

AN ACT for the benefit of the Clerk of the Owen County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Clerk of the Owen County Court to execute in regular form his official bond as Clerk of said court, at the next April or May term of said court, and such bond, when executed, shall be as binding and effectual to all intents and purposes as if the same had been executed at the time required by law.

Approved, February 24, 1842.

CHAPTER 310.

AN ACT for the benefit of Richard W. Hawkins, Deputy Sheriff of Carroll county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Richard W. Hawkins, Deputy Sheriff of Carroll county, have further time until the first day of June next to settle the balance of the revenue tax with the Auditor of Public Accounts: *Provided,* that this act shall not take effect until the securities of Garland Bullock, late principal Sheriff of said county, shall give their consent thereto, in open court, in the County Court of said county, which shall be made matter of record therein; and upon the consent of said securities, in the manner aforesaid, it shall be the duty of the Clerk of the County Court of said county to give notice thereof to the Auditor of Public Accounts.

SEC. 2. *Be it further enacted,* That the said Richard W. Hawkins have the further time of one year to settle and close up all the unfinished business as Deputy Sheriff aforesaid.

Approved, February 24, 1842.

CHAPTER 311.

AN ACT for the benefit of Grace Church, in Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James B. Wallace, Edward H. Green, and George Venable, be, and they are hereby, authorized to sell and convey a certain lot of ground, lying and being in Christian county, in the town of Hopkinsville, belonging to the Protestant Episcopal congregation of that town, and that the

money arising from such sale, or the bonds taken for the security thereof, be delivered over to the person or persons as a majority of the Wardens and Vestry of said Church may at any time direct: *Provided*, that nothing contained in this act shall in any way effect the lawful rights of any other person or persons whatsoever.

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Approved, February 24, 1842.

CHAPTER 313.

AN ACT to incorporate the Barbourville Lyceum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present members of the Barbourville Lyceum, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Barbourville Lyceum, and by that name shall have perpetual succession, and are hereby made able and capable to receive and hold by gift, grant, purchase, or devise, any number of acres of land not exceeding four, and erect suitable buildings thereon, and any quantity or sort of personal property, not exceeding in value the sum five thousand dollars, and sell, exchange, alien and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any courts of law or equity in this Commonwealth; to make, have and use a common seal, and the same to break, alter and renew at pleasure; to form and adopt a constitution and by-laws for the government of said Lyceum, and to possess the rights and privileges which are conferred on corporations of a similar character, and which are necessary and proper to carry into effect the objects of said Lyceum, preserve good order, promote the arts and sciences, and advance literature.

SEC. 2. That when the said Lyceum shall dissolve (if it ever should,) the regular members, or a majority of them, shall dispose of all the means and effects, of every description, of said Lyceum, as they may think proper.

Approved, February 24, 1842.

CHAPTER 314.

AN ACT for the benefit of A. Rawlings.

WHEREAS, it is represented to the present General Assembly, that A. Rawlings has constructed a mill on Licking river, with a temporary stone dam three and a half feet in height, which offers no obstruction to the navigation of said river—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for

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said Rawlings to continue said dam until the slack watering of said stream shall have reached said point: *Provided*, he shall be responsible for all damages arising or sustained by persons navigating said stream, occasioned by said dam: *Provided, further*, that no damage shall ever be claimed from the Commonwealth for overflowing or otherwise rendering useless the said dam or mills, when the improvement of Licking river shall be extended, by the State, to or above this point; and that any expense which may accrue from removing the same (if any,) shall be borne by the owner or owners of said mills at the time of removal.

Approved, February 24, 1842.

CHAPTER 315.

AN ACT for the benefit of William Ratliffe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William Ratliffe to build a mill dam on Sandy river, in the county of Pike, near his farm, above the court house in said county, not exceeding five feet nine inches high, for the purpose of erecting a saw and grist mill, and any other water-works he may think proper to erect.

SEC. 2. That the County Court of Pike county shall have power, if they should think the same is necessary, to cause said Ratliffe to build a slope or lock to said dam, in such manner as they shall describe.

Approved, February 24, 1842.

CHAPTER 317.

AN ACT for the benefit of James Byers, jr.

WHEREAS, by virtue of a land warrant issued by the Clerk of the Grayson County Court, Allen Clagett, late county Surveyor, on the 3d day of April, 1838, surveyed fifty acres of land, lying in the county of Grayson, on Spring lick creek, the waters of Caney creek, a plat and certificate of which was filed in the Land Office on the 6th day of December, 1838, which plat and certificate was made out in the name of James Boyer, sr., instead of James Byers, jr., in whose name the warrant issued—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Register of the Land Office to strike out the name of Boyer in the above mentioned plat and certificate, and insert the name of Byers, and issue a patent for said fifty acres of land, as above described, in the name of James Byers, jr.

Approved, February 24, 1842.

CHAPTER 319.

AN ACT to allow additional Justices of the Peace to certain counties, and for other purposes.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be allowed to the county of Grayson one additional Justice of the Peace.

Grayson.

SEC. 2. That two additional Justices of the Peace be allowed to the county of Mercer.

Mercer.

SEC. 3. That there shall be one additional Justice of the Peace allowed to the county of Kenton, in whose appointment the County Court shall pay due respect to the citizens of Independence and its vicinity.

Kenton.

SEC. 4. That the county of McCracken shall hereafter be entitled to eleven Justices of the Peace, and no more: *Provided, however*, that all those now in office shall continue to exercise and enjoy all the rights and privileges of Justices of the Peace, so long as they may continue in office.

McCracken.

SEC. 5. That the County Court of McCracken county shall not recommend to the Governor any person or persons to fill the office of Justice of the Peace, in and for said county, until the number be reduced to eleven, as aforesaid.

Approved, February 24, 1842.

CHAPTER 321.

AN ACT for the benefit of the Sheriffs of Meade, Hart, Wayne, and Marion counties

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriffs of Meade, Hart, Wayne, and Marion, counties be, and they are hereby, each released from the penalty incurred by each of them, in failing to return to the Secretary of State a certificate of election of members of the House of Representatives, from their respective counties, at the August election of eighteen hundred and forty one, as required by law.

Approved, February 24, 1842.

CHAPTER 322.

AN ACT to legalize the marriage of James Lashbrook and Nancy Burkhead, and the marriage of James Ransdell and Nancy Cornwell.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage contract heretofore solemnized between James Lashbrook and Nancy Burkhead be, and the same is hereby, legalized.

SEC. 2. *Be it further enacted*, That the marriage heretofore solemnized between James Ransdell and Nancy Cornwell, of Mercer county, be, and the same is hereby, legalized to all

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intents and purposes, any law to the contrary notwithstanding.

Approved, February 24, 1842.

CHAPTER 323.

AN ACT for the benefit of Richard Cundiffe, Sr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Richard Cundiffe, Sr. to erect a fish trap on Salt river above the mouth of the Rolling Fork, at the Ripple known as Dolin's Fish Trap: *Provided*, the walls of said fish trap do not exceed three feet high above low water mark: *And provided further*, that the Legislature of this Commonwealth may, at any time hereafter, repeal this act, and compel the said Cundiffe to remove the said fish trap and walls.

Approved, February 24, 1842.

CHAPTER 324.

AN ACT for the benefit of Sarah Gough.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Sarah Gough, widow and relict of John B. Gough, deceased, be, and she is hereby permitted to remove with her, to the State of Missouri, the slaves of her first husband, Henry Clavoe, and that such removal shall not forfeit such slaves, or other the dower which she holds of the endowment of her said first husband's estate, unto the person or persons that shall have reversion thereof: *Provided*, said Sarah Gough shall, before such removal, execute bond, with sufficient security, to be approved of by the Scott County Court, in a penalty to be named by said court, payable to the heirs of said Henry Clavoe, conditioned to have said slaves and their increase, or such of them as may be living, forthcoming, at any time, when called upon, by proper legal process, to answer the demand of such person or persons as, at the time of such demand, may be entitled to the same in remainder or reversion.

Approved, February 24, 1842.

CHAPTER 325.

AN ACT to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved, January 21st, 1840, and further to regulate the town of Winchester.

Police Judge
to be appointed

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Governor to appoint, with the advice and consent of the Senate, a judicial officer, to be styled the Police Judge of Henderson, who shall hold his office during good behaviour, but before he enters upon the discharge of his duties, he shall take an oath to discharge the duties of said office faithfully and impartial-

ly, and to the best of his skill and ability, without favor or affection to any; he shall have power and jurisdiction within the limits of said town, of all causes, civil and criminal, arising therein, in which Justices of the Peace have jurisdiction, (except as a court of enquiry in criminal cases,) in which cases he shall have the power and authority given to two Justices of the Peace, and in such cases shall proceed as they are required to do by law; he shall have jurisdiction of all claims under one hundred dollars, arising in favor of the Trustees of said town, or against them; also of all offences arising under the rules and by-laws of said town, made by the corporate authority thereof, and he shall have power to enter judgment and award execution accordingly; he shall keep a record of his proceedings, and his court shall be considered a court of record; he shall have power to issue summons for witnesses to give evidence before him, and may award compulsory process to compel their attendance; he shall have power to punish contempts: *Provided*, that he shall not impose a fine, for any contempt, of more than five dollars; he may direct his process to any Constable, or to the Town Sergeant, appointed by the Board of Trustees of said town, and who shall execute any such process directed to them as aforesaid; and when the Town Sergeant shall execute any such process, he shall be entitled to the same fees that Constables are entitled to for like services; the Police Judge shall be authorized to take depositions, to be read as evidence within the State, and to certify the same; he shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a breach of the by-laws of the town, or in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding over a jury in any case, (except forcible entry and detainer,) fifty cents; for taking a recognizance to keep the peace, fifty cents, to be paid by the applicant; and in all other cases the same fees that are allowed by law to Justices of the Peace, and to be collected in like manner.

SEC. 2. That all fines and forfeitures in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of the Board of Trustees for the use and benefit of said town.

SEC. 3 That in all cases where the Board of Trustees shall have the right to sue or be sued for a breach of any ordinance or by-law of said town, or for any claim, or for breach of any duty, the same shall be sued and prosecuted before the Police Judge alone, and he shall hear and determine the same, and award judgment and execution accordingly; but in all civil cases the parties shall have the right of appeal, as now secured by law in like cases tried and determined by Justices of the Peace.

SEC. 4. That it shall and may be lawful for the Trustees of said town to grant tavern licenses to persons to keep tavern

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His powers.

Fines to be paid to Treasurer.

Suits to be instituted before police judge for breach of by-laws.

Trustees to grant license.

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within the limits of said town, under the same rules and restrictions as are now required, by law, of the County Courts of this Commonwealth; and that so much of any law as authorizes the County Court of Henderson county to grant licenses to persons to keep tavern within the limits of said town, shall be, and the same is hereby, repealed: *Provided*, that no license shall be granted until the person applying for the same, shall first pay to the Clerk of the County Court of Henderson, and obtain his receipt therefor, the amount now required by law to be paid in such cases.

Trustees may
purchase and
hold real estate

SEC. 5. That it shall and may be lawful for the Trustees of said town to receive and hold any real and personal estate not exceeding thirty thousand dollars, derived by purchase, devise, bequest, or gift, for school and other purposes; and also to purchase, acquire, and hold, any quantity of ground, not more than one mile from said town, and not exceeding five acres, for a burying ground; and also to establish within the limits of said town, for the punishment of such as may violate the laws of this State and of said town, a watch house and work house, and to regulate the same by ordinances passed by them for that purpose, not inconsistent with the laws and constitution of this State.

Town Ser-
geant shall ex-
ecute bond.

SEC. 6. That it shall be the duty of the Trustees of said town to require of the said Town Sergeant to execute bond, in the penalty of one thousand dollars to the Commonwealth of Kentucky, conditioned for the faithful performance of all the duties devolved on him, by law, as Town Sergeant, and for the payment, to the persons entitled to the same, of all such sums of money as may be collected or received by him; and which bond shall be filed in the office of the Police Judge.

Suit may be
instituted on
bond of Town
Sergeant.

SEC. 7. That it shall be lawful to institute suit on said bond, in any court having competent jurisdiction thereof, for the use and benefit of such person or persons as may be aggrieved by the failure of said Town Sergeant to comply with any of the conditions contained therein; and that in all such suits a copy of said bond, properly certified by the said Police Judge, shall be evidence.

Trustees may
be paid.

SEC. 8. *Be it further enacted*, That the Board of Trustees of the town of Winchester may provide, by a by-law, for the payment of the members of said Board of a sum not exceeding one dollar each for every stated meeting of said Board which they may attend, and for the imposition by said Board of a fine upon any member, not exceeding one dollar, for every stated meeting he may, without sufficient excuse, fail to attend, the number of said stated meetings not to exceed twelve in each year: *Provided*, that said by-law shall not be in force unless a majority of the persons voting for Trustees of said town, at the next annual election for Trustees, shall, at a poll to be opened for that purpose, ratify said by-law.

SEC. 9. That no person, except a licensed tavern keeper, shall sell in said town, (or deliver in virtue of a sale,) under any

pretence whatever, any spirituous liquor in a less quantity than one gallon; and every person so offending, shall be subject to a fine of fifty dollars, recoverable by the indictment of a grand jury, or by warrant before a Justice of the Peace, as in case of other fines.

SEC. 10. That said Trustees shall have power to enact by-laws for the suppression, within said town, of tippling houses and taverns, which may be kept without a license from the County Court, or without providing the necessary accommodations for the entertainment and convenience of travellers, as required by law, and to prevent the sale of spiritous liquors, in a less quantity than one gallon, except by a licensed tavern keeper; and said Trustees may enforce such by-laws by penalties, not exceeding the penalties collectable in the Circuit Court for like offences, and recoverable in the same manner as fines for other violations of the by-laws of said town.

SEC. 11. That it shall not be lawful for any slave, knowingly, to go into any tippling house, or a house in said town where spiritous liquor is sold in a less quantity than one gallon, without a special permit from his or her owner, or other person entitled, for the time being, to his or her service by contract or hiring with his or her owner, under any pretext whatever; and if any slave shall, in violation of this act, be found in any such tippling house, or a house reputed to sell spiritous liquors by the small, as aforesaid, it shall be the duty of the town officer, or a Constable of the county, upon discovering the fact, or upon the same being made known to him, forthwith, without warrant, to arrest such slave, and convey him, or her, before some Justice of the Peace, who is hereby required, upon proof of such slave's having violated this act, to order such offender to receive on his, or her, bare back not less than ten, nor more than twenty, lashes for each offence, to be inflicted by such town officer, or Constable, who shall be entitled to receive therefor the sum of fifty cents for every such slave so arrested and punished, to be paid by the owner or hirer of said slave, for the recovery of which the said town officer, or Constable, may issue his fee-bill, collectable as other fees.

SEC. 12. That if the owner or occupier of any tavern or tippling house, or a house where spiritous liquors are sold in a less quantity than a gallon in said town, shall at any time, permit or allow any slave or slaves to be and remain in his or her said tavern, tippling house, or other house where spiritous liquors are sold in a less quantity than a gallon, unless such slave or slaves be sent on a special errand by his or her or their employer, such owner, or occupier, shall forfeit and pay, to the use of said town, a fine of five dollars for every such slave he or she shall permit to remain in his or her house contrary to the provisions of this act, which fine shall be recovered in such manner as is or may be prescribed by the by-laws of said town now in force, or which may hereafter be ordained by said

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None but
tavern keepers
shall sell liquor

Trustees may
suppress tip-
pling houses.

Slaves shall
not enter tip-
pling houses, &
punishment if
they do.

Taverns, &c.
not to suffer
slaves to re-
main in their
house.

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Trustees for the recovery of fines inflicted by such by-laws : *Provided*, that the phrase "spirituous liquors," as used in this act, shall be construed only to embrace brandy, gin, and whiskey.

Approved, February 24, 1842.

CHAPTER 327.

AN ACT for the benefit of Jailey Watson and others.

WHEREAS, it is represented to this General Assembly, that Jailey Watson holds, in trust, a negro woman slave by the name of Charlotte, for the benefit of Eliza Thomas, the wife of James Thomas, and her children; and, whereas, it is represented that it would be greatly to the advantage of the said Eliza, and her children, to sell said slave and vest the proceeds in a tract of land in the county of Jessamine—wherefore,

The sale of a
slave author-
ized.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Jailey Watson to file her bill in chancery, in the Jessamine Circuit Court, setting forth the facts aforesaid, and praying for a sale of said slave, and making the said James Thomas and his wife, Eliza, together with her children, defendants thereto; and if the court, upon the filing of said bill, and the answers of the defendants, and the facts of the case, shall be of opinion that the sale of said slave and the investment of the proceeds in the purchase of a tract of land in the county of Jessamine, will redound to the interest of the said Eliza and her children, then the court may order and decree a sale of said slave, and the investment of the proceeds as aforesaid, directing that said land shall be purchased and held in trust for the benefit of the said Eliza and her children, in the same manner that said slave was held; and the court is hereby authorized to make all such orders and decrees, to effect the purposes of this act, that it may deem necessary.

Approved, February 25, 1842.

CHAPTER 332.

AN ACT further to regulate and amend the laws regulating the town of Newport.

WHEREAS, it is represented to the present General Assembly, that by an act, approved the 12th day of January, 1830, entitled, "an act to amend the laws defining the powers of the Trustees of the town of Newport," it is provided that the Commissioner appointed to make sale of such lots and parts of lots in said town for the non-payment of taxes due said corporation, that such sale shall be made at the door of the court

house, in Newport, on the first day of the next County Court thereafter; and, whereas, by an act to establish the county of Kenton, and for other purposes, approved January 29th, 1840, the seat of justice was removed from the said town of Newport, leaving it doubtful where said sales of said lots, by decree for non-payment of taxes, should be held; and, whereas, the said sales were made in the year 1840 at the county seat in Alexandria, and in the year 1841 at Newport—now, therefore, for the better defining the powers and duties of the Trustees and Commissioner in the premises,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter it shall and may be lawful for said Commissioner to sell the property (so decreed by existing laws to be sold) upon the old court house square in the town of Newport.

Property sold
for taxes in
Newport.

SEC. 2. That all sales of property for non-payment of taxes, made since the removal of the county seat from the town of Newport, whether made at Alexandria, or at the old court house in said town of Newport, be, and the same are hereby, rendered legal: *Provided*, nothing in this act contained shall be construed to make legal and valid any sale only on account of the place of making the sale at either place in the preamble mentioned.

Former sales
legalized.

Approved, February 25, 1842.

CHAPTER 333.

AN ACT to incorporate the Sandy Iron Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert P. Letcher, William H. Richardson, Thomas Metcalfe, George Robertson, David Irvine, James M. Cogswell, Asa K. Lewis, A. W. Mills, William Owsley, William S. Buford, Orlando Brown, and such persons as may become their associates, and their successors and assigns, be, and they are hereby, created a body corporate, by the name of "The Sandy Iron Manufacturing Company," for the purpose of manufacturing iron and steel in their varieties, in the county of Greenup, and State of Kentucky, and for this purpose they shall have all the powers and privileges, and shall be subject to all the duties and requirements, contained and provided respecting such corporations, in and by an act, entitled, "an act to establish a general law concerning Manufacturing Corporations;" said corporation shall have power to contract and be contracted with, to purchase and receive the conveyance of the title to lands, and hold said lands, in said county of Greenup, not exceeding in value fifty thousand dollars, and their capital stock shall not exceed two hundred thousand dollars.

Company in-
corporated and
powers.

SEC. 2. That the persons aforesaid, at a meeting to be called by them, or any of them, after fixing upon the amount of capi-

Stock.

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tal stock of said Company, as authorized by the act, entitled, "an act to establish a general law concerning Manufacturing Corporations," shall divide the same into shares of such amount or value as to them may be deemed proper, and may accept a conveyance to the Company aforesaid, from the above named George Robertson, for the land lying in the county of Greenup, which was purchased by him under a decree of the said Greenup Circuit Court, for himself and the persons above mentioned, and which has been conveyed to him by the Commissioner appointed by said court; and the said Company shall at the same time fix the value of said land at which it shall be received as part of the stock of said Company, and for which certificates of shares shall be issued to each of the persons aforesaid, having an interest in the land aforesaid, equal in amount to the interest of each in the value so fixed on the land.

Stock is real
estate.

SEC. 3. That the stock in said Company shall be deemed and held as personal estate, and shall vest in the executors and administrators of deceased stockholders, and subject to be sold and transferred by them, as other chattels of their testate or intestate.

Approved, February 25, 1842.

* CHAPTER 334.

AN ACT for the benefit of John Hulme.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be authorized to place in the Treasury the sum of three thousand dollars, in thirty year State Bonds, of the Internal Improvement Fund, and that the Auditor issue his warrant in favor of John Hulme, for said sum, to be paid in said Bonds; and the Auditor is authorized to issue his warrant, in favor of said Hulme, for the sum of three thousand three hundred and eighty four dollars and eighty four cents, in satisfaction of his demand on the Commonwealth.

Approved, February 25, 1842.

CHAPTER 335.

AN ACT concerning the town Marshals of Harrodsburg and Danville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the police Marshals for the towns of Harrodsburg and Danville shall return all warrants, or other process which he may execute, to some Justice of the Peace within the Constable's district within which the defendant resides, as in other cases, any law to the contrary notwithstanding.

SEC. 2. That the Constable's district No. 7, in the county of Mercer, be, and the same is hereby, extended so as to include the town of Harrodsburg.

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Approved, February 25, 1842.

CHAPTER 336.

AN ACT for the benefit of the Clerks of the Garrard and Hart County and Circuit Courts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the County Court of Garrard (a majority of all the Justices thereof being present and concurring therein,) be, and they are hereby, authorized to make such allowance, and grant such compensation, as in their opinion may be proper, to Alexander R. McKee, Clerk of the Garrard Circuit and County Courts, for making a general cross index to all the suits in the said Circuit Court, from the year 1796 to the year 1841; and also to make such allowance, and grant such compensation, as in their opinion may be proper, to said McKee, Clerk of the Garrard County Court, for making a general cross index of all deeds, mortgages, &c., now of record in said court.

SEC. 2. That the Hart County Court, at their next Court of Claims, shall have authority to make such allowance to George T. Wood, Clerk of the said court, of such sum of money as they shall deem just, as a compensation for the cross index he has made to the deed books in his office.

Approved, February 25, 1842.

CHAPTER 337.

AN ACT for the benefit of the Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Laurel county be allowed until the May County Court of said county, to return his delinquent list for the year eighteen hundred and forty one.

Approved, February 25, 1842.

CHAPTER 338.

AN ACT for the benefit of Benjamin Wickersham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the judgment of the Woodford Circuit Court, at the September term, 1840, in favor of John W. Hunt, in behalf of the Lunatic Asylum, against Benjamin Wickersham, for the sum of one hundred and six dollars seventy five cents, with interest from the 12th day of September,

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1840, be, and the same is hereby, released to the said Benjamin Wickersham, and no execution shall thenceforth issue upon said judgment against said Wickersham: *Provided*, that nothing in this act shall be construed so as to release said Wickersham from the costs of suit.

Approved, February 25, 1842.

CHAPTER 339.

AN ACT for the benefit of Nicholas L. Oliver, late Sheriff of Henry county.

WHEREAS, it is represented to the General Assembly, that Nicholas L. Oliver, former Sheriff of Henry county, through misfortune, was prevented from paying into the Treasury of this Commonwealth the full amount of the revenue due from said county for the year 1840; and, whereas, the said Nicholas L. Oliver has heretofore, and since execution has issued against him, discharged the principal part of said debt, and is prepared to discharge the remainder—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Nicholas L. Oliver be, and he is hereby, released from the payment of all interest and damages due on the above debt, and the Second Auditor of Public Accounts is hereby directed to issue to said Oliver a quietus, on proof being made that the principal of such execution has been fully paid by him, or some one for him.

Approved, February 25, 1842.

CHAPTER 340.

AN ACT to reduce into one and digest and amend the acts and amendatory acts incorporating the city of Lexington.

Boundary of
city defined.

Corporate
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the county of Fayette as is contained within the following bounds, to-wit: one mile from the court house in every direction, shall be, and hereby is, declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the "City of Lexington," and as such, by that name, shall be capable in law of contracting and being contracted with, or suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places; and in all matters whatsoever; and may have and use a corporate seal, and change, alter and renew the same at pleasure.

Mayor and
council to be
appointed, and

SEC. 2. That the fiscal, prudential, and municipal concerns of the said city, with the government and control thereof, shall be vested in one principal officer to be called the Mayor, and one City Council, consisting of twelve persons, to be denominated

ated the Board of Councilmen, who shall be elected for the first time on the first Saturday in January next, in the way that the Trustees of the town of Lexington have heretofore been elected; and the Councilmen shall hold their offices for one year, and until their successors shall be duly elected and qualified; and the Mayor shall hold his office for one year, and until his successor shall be so elected and qualified; all of whom shall have resided in said city two years next preceding the election, and be citizens of this State.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Mayor and Councilmen, that shall be first elected under this act, to lay off the said city into four wards, for the purposes herein named, as nearly equal as possible as to number of inhabitants, improvements, and permanent boundaries, each of which wards is to be entitled to elect three Councilmen, to be members of the Board of Councilmen; and it shall be the duty of the said Mayor and Councilmen, from time to time, to alter the boundaries of the wards so as to equalize the number of inhabitants in each as nigh as may be; but such alteration shall not be made except on a general census of all the inhabitants being previously taken.

SEC. 4. *Be it further enacted,* That on the first Saturday in January, in each year succeeding the first election, the free white male inhabitants over twenty one years of age, of said city, who at the time being are citizens of the State of Kentucky and inhabitants of said city, and have either paid their poll tax to said city for the year next preceding the election at which they claim to vote, or have arrived at the age of twenty one years since the last assessment of tax, and who shall have, *bona fide*, resided therein for the space of six calendar months previous to said election, shall meet in the wards in which they respectively reside, and vote for the Councilman or Councilmen such ward shall be entitled to elect, and for a Mayor; and it shall be the duty of the Mayor and Councilmen previously elected, to cause an alphabetical list of the qualified voters in each ward to be made out ten days before the first Saturday in January, in each year, and to appoint three suitable persons, in each ward, as inspectors of the election, and to furnish them with a list of voters, and a warrant directing them, or a majority of them, to hold the election in the same manner as other elections are held in this State; notice of the time and place of holding the elections, in the respective wards, shall be published in one or more of the public newspapers printed in said city, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the Mayor and Councilmen, in all the wards. The said inspectors shall exhibit, to all persons claiming the same, the list of the qualified voters, respectively; and on closing the polls at the hour mentioned in their warrant, they shall declare the same, and the three persons having the highest number of qualified votes shall be

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how, and term
of office.

City to be laid
off into wards,
in what manner
and for what
purpose.

When elec-
tions to be held
—qualification
of voters.

List of voters
to be made out
and inspectors
of elections to
be appointed,
and notice of
elections to be
given.

How returns
of election to
be made, and
to whom.

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declared as duly elected Councilmen, in each ward. The vote given for Mayor shall be added up by the inspectors, and returned by them to the Clerk of the Board of Mayor and Councilmen, with the list of the polls of Councilmen, which list shall be certified by a majority of said inspectors, and sworn to as just and true returns of the election, which oath shall be administered by the Mayor, or any Justice of the Peace. The return of the votes, so made, shall be received by the said Clerk, and duly recorded in a book to be kept for that purpose. And it shall be the duty of the Mayor and Councilmen to add up the votes from the several wards for Mayor, and the person having the highest number of votes shall be declared to be duly elected as Mayor of said city, for one year from the time of his election, and until a successor shall be so elected and sworn into office; and the Mayor and Councilmen, thus elected, shall be notified immediately of the same by the Clerk of the city then in office:

Those not assessed for taxation, and those who have not paid taxes, may vote upon certain conditions.

Sec. 5. *Be it further enacted*, That in all cases where individuals residing in the city on the 10th of January shall, from any cause whatever, not be assessed, or where, being assessed, they shall not have paid their taxes, according to law, ten days previous to the annual election in January, so as to be included in the list made out by the Clerk, it shall nevertheless be lawful for them to vote, upon having their names entered upon the Collector's books, and obtaining his receipt for taxes chargeable to them; and said Collector shall account for and pay such taxes as in cases of regular assessment. And all persons removing into the city after the 10th of January, and six months before the election, may, in like manner, vote, upon having their names entered on the Collector's books, and obtaining his receipt for their poll taxes.

How vacancies may be filled.

Sec. 6. *Be it further enacted*, That in the event of the death, resignation, or refusal to act, of the Mayor, the Councilmen shall proceed to elect one of their own number to supply his place, and the person so elected shall be the Mayor of said city until a new election is had, and the Mayor elected sworn into office; and the Mayor and Councilmen shall immediately proceed to order another election, to supply such vacancy for the residue of the term, as in the original election of said Mayor; and in the like event, of one or more Councilmen, the Board shall direct a new election in the ward, or wards, in which the vacancy shall happen.

When Mayor, &c., are to enter on their duties.

Sec. 7. *Be it further enacted*, That the Mayor and Councilmen of said city shall enter on the duty of their respective offices on the Thursday succeeding the first Saturday in January, in the year in which they are elected, and before entering on the duty of their respective offices, shall each be sworn to support the constitution of the United States and this State, and that they will well and truly discharge the duty of Mayor, or of a Councilman, of the said city; which oath may be administered to the Mayor elect by any Judge of any court

Oath to be taken by them, & before whom.

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of record in this Commonwealth, or by any Justice of the Peace for the county of Fayette; and the Mayor, after he is sworn into office, shall administer the said oaths to each of the Councilmen, or the same may be administered by any Justice of the Peace for Fayette county, and an entry shall be made on the records of the Board that said oaths have been duly administered.

SEC. 8. *Be it further enacted*, That the Mayor and Councilmen, thus chosen and qualified, shall form one Board, and shall sit and act together as one body; and at all meetings the Mayor, if present, shall preside, but in his absence the Board may elect a Chairman for the time being. The said Board shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him, removable, however, at the pleasure of the Board, and shall be denominated "the Clerk of the city," whose duty it shall be to keep a journal of the proceedings of the Board, to sign all warrants issued by them, and to do all acts in his said capacity, that may be reasonably required of him, and to deliver over all papers and books entrusted to him, to his successor in office, immediately on such successor being chosen and qualified, or whenever he shall be thereto required by the Mayor and Councilmen. In all meetings of the Board, six Councilmen, with the Mayor, or in the absence of the Mayor, seven Councilmen, shall constitute a quorum to do business; but in cases of levying the taxes, or in the election of any officer of the city government, or the passing of any by-law, or ordinance, seven Councilmen shall concur; or when six Councilmen shall be found voting in the affirmative, the Mayor may be called upon to vote, and in case of his voting in the affirmative the measure shall prevail. The Board shall meet in some public place, to be provided for that purpose, and their deliberations and acts shall be public.

SEC. 9. *Be it further enacted*, That the Mayor and Councilmen may receive conveyances, or the consent, in writing, of the proprietors of lots of lands within the city for the purpose of locating new streets or alleys, or extending any of the streets or alleys of said city to the limits thereof; and on receiving the same, may direct such streets or alleys to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city extended in part, or to the limits thereof, to petition the Fayette Circuit Court, or the Lexington City Court, stating the street or alley they wish opened, or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner to appear on some convenient day of that or some subsequent term, to show cause why such street, or alley, should not be

Mayor and council to constitute a board, &c.

Clerk to be chosen—to take an oath—term of office, & his duty.

What number to constitute board for business.

Opening or extending sts. & alleys—manner in which it may be done.

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opened, or extended, which summons shall be executed on such owner if in the county, if not, on his agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened, or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads, and on the return of the writ executed, the court shall order the Mayor and Councilmen to pay the damage assessed, and shall order the street, or alley, to be opened, or extended. The Mayor and Councilmen shall have full power and authority to cause all streets or alleys to be opened, and cleared of all obstructions, by the inflictions of suitable fines and penalties: *Provided, however*, that the Mayor and Council of said city shall have power, at any time before the final order or decree, to dismiss their petition, which shall not prevent their again instituting proceedings for opening such street or alley at any time after one year from said dismissal.

Streets and
alleys may be
paved—how &
in what man-
ner.

SEC. 10. *Be it further enacted*, That the Mayor and Councilmen shall have full power and authority to cause and procure all the streets and alleys in said city now established, or hereafter to be established, to be paved, or turnpiked, at the cost and expense of the lot owners fronting such streets or alleys; and a petition, in writing, of the owner or owners of a greater part of the ground fronting on any square, shall be sufficient to authorize a contract for the paving, or turnpiking, the street or alley in such square: *Provided, however*, that the Mayor and Councilmen, by their unanimous consent in council, may cause any street or alley in any square in said city to be paved or turnpiked, at the cost and expense of the owners of lots, or parts of lots, fronting such street or alley, without any petition or consent; and when the paving, or turnpiking, shall be completed, they shall apportion the costs and expenses equally on the lot holders, and a lien is hereby given on the lots, and parts of lots, for the same; which costs and expenses may be listed and collected as other taxes by the city Collector, who shall have authority to sell and convey the lots, and parts of lots, for the same, under the by-laws and regulations of the Mayor and Councilmen: *Provided, also, however*, that the owner of any lot, or part of a lot, sold for paving or turnpiking, who has not consented in writing for that purpose, shall have five years to redeem the same, on paying the purchase money, with ten per centum interest per annum, with all the taxes and levies that may have subsequently accrued; and those who have consented, in writing, may redeem it any time within one year, on the payment of the like interest: *Provided*, that infants shall have one year after arriving at full age, on like terms.

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Side-walks
to be curbed &
paved--in what
manner & up-
on what terms
and conditions.

Sec. —. *Be it further enacted*, That the Mayor and Councilmen shall have power and authority to cause and procure the side-walks to be curbed, and paved with stone or brick, and to apportion the costs and expenses on the owners of lots fronting thereon, and a lien is given on the lots for the same; and the Mayor and Councilmen shall have the like authority and power to cause and procure the streets and alleys now established; or hereafter to be established, within said city, to be filled, leveled, and graduated; for the purpose of carrying off the water, or preparatory for paving or turnpiking, at the cost and expense of the lot owners fronting the same, and a lien is hereby given on the lots, and parts of lots, for such costs and expense; and the cost and expense accruing under the provisions of this section, shall be listed and collected in like manner as that of paving and turnpiking, and the Collector shall have the like authority to sell and convey the same, as is provided for in the previous section, and subject to redemption in one year from the day of sale, and in cases of infants, in one year after they arrive at full age, by paying ten per centum interest thereon. That if any part of a street, alley, or side-walk, in any square shall have been paved at the expense of any one or more owner, or owners, of lots in said square, before such order shall have been made, he, she or they shall not be required to pay any thing unless his, her or their portion of costs and expenses of grading, paving, or turnpiking, assessed as above provided, and including that already paved, shall exceed the amount of costs and expenses by them paid or incurred for the part so paved: *Provided, however*, that nothing herein contained shall prevent the Mayor and Council requiring side-walks to be re-paved at the expense of the owner of the lot fronting such side-walk.

SEC. 11. *Be it enacted*, That the said Mayor and Councilmen shall have the power and authority to assess, levy, and collect, taxes on such real and personal estate as they may designate; but such taxation shall be uniform on every description of property assessed.

Taxes to be
assessed & col-
lected.

SEC. 12. They shall appoint one City Assessor, annually, and two assistants, if deemed necessary; who shall take in a list of all the taxable inhabitants within said city, separately, in each ward; and affix against each the amount of his, her, or their, real estate within said city; and also the true and just value of such personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property, that may be designated for taxation by the said Mayor and Councilmen, which list shall be made on the oath of the party, or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such Assessor possesses; and in each of the several wards of said city, the said list shall be extended to include all free males over twenty one years of age, and all slaves, with the value of each, taverns, grocers, victuallers, retailers, and confectioners, and

Assessor to
be appointed,
his power and
duty.

Persons and
property to be
taxed.

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Assessment
may be chang-
ed—how and
on what terms.

Rate of tax-
ation, and for
what taxes are
to be applied.

Stores and
groceries to be
classed & tax-
ed, &c.

Itinerant
merchants, &c.
may be taxed.

houses of public resort, except gaming houses and houses of ill fame, hacks, drays, carts, wagons, and porters, plying in said city for hire; and when said lists shall be completed, and returned to the Board of Mayor and Councilmen, they shall give a reasonable notice that any inhabitant of said city may examine the same; that if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the Mayor and Councilmen, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, the application is made within the time which may be prescribed by them, after which time no abatement or change shall be made. The Mayor and Councilmen shall proceed to lay and levy the taxes for the current year from estimates previously submitted to the Board by the Mayor: *Provided*, the same shall not exceed forty cents on each hundred dollars for such valuation; and for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well governing and ordering of said city throughout, the estimate shall be presented by the Mayor.

SEC. 13. They shall also have power and authority to cause all stores within the city to be rated first, second, third, and fourth rate; levy and collect a tax on each not exceeding one hundred dollars per year; and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessments of property for taxation. It being hereby intended to give to said Mayor and Council the right, either to rate the stores, groceries, &c., or make them pay the *ad valorem* tax assessed as upon other property; but in the event of the Council determining to tax said stores, groceries, &c., by rates, then they shall likewise be assessed as other property for the purpose of ascertaining and enforcing the payment of the fire tax, not exceeding five cents on the one hundred dollars, provided for in this charter. Said Mayor and Council shall likewise have the power, by ordinance, to provide for the taxing or rating of any store, grocery, &c., which may be commenced or opened at any time subsequent to the day fixed for the annual assessment, and all itinerant merchants or vendors: *Provided*, that in no case shall the tax, levied upon such, be less than the ratable amount, (as compared with the other assessment,) in proportion to the time the same is kept open. Said Mayor and Councilmen shall also have the right to tax auctioneers, in said city, (in addition to the taxes now imposed by law,) not exceeding one per cent. upon all public or private sales of goods, wares, or merchandise, not the produce or manufacture of Kentucky; and to require them to take out licenses, with such restriction and requisitions as may be necessary to enforce said tax; but no tax shall be required for sales of decedents by executors, administrators, or curators.

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SEC. 14. That it shall and may be lawful for the Mayor and Council of the city of Lexington to pass such ordinance or ordinances as may, by the said Mayor and Council, be deemed expedient for imposing and collecting a tax upon playing cards retailed in said city, to be applied in lessening the expenses of said city: *Provided*, the same shall not exceed fifty cents on the deck or pack.

Tax on playing cards.

SEC. 15. They shall also have a right to tax, and the exclusive right to license, all taverns, houses of private entertainment, grocers, victuallers, confectioners, retailers, and houses of public resort, except gambling houses or houses of ill-fame, within said city; but tavern keepers shall also be liable to pay the revenue tax of ten dollars; but no license shall be granted whereby spiritous liquors may be retailed, upon the payment of a less sum than one hundred dollars.

Tax on taverns, grocers, &c. fixed, and terms and conditions upon which they may be granted.

SEC. 16. They shall also have the right to license and tax all exchange or brokers' offices, within said city, in any sum not exceeding one hundred dollars.

Exchange brokers may be taxed.

SEC. 17. They shall also have the right to license, tax, and regulate all carts, wagons, drays, hackney-coaches, and porters, which may be plying in said city for hire. They shall also have power, whenever, in their opinion, the interests of said city shall require it, to levy and collect taxes on dogs, and other domestic animals, in any sum not exceeding ten dollars on each dog or other animal.

Carts, wagons, coaches, &c., and dogs, may be taxed.

SEC. 18. They shall have the right to tax and license all shows, exhibitions, performances, lectures, or concerts, given, made, or exhibited, for money or property, within the city of Lexington; and may prohibit them until a license be obtained: *Provided*, that lectures by resident professors shall not be subject to taxation.

Shows & exhibitions may be taxed.

SEC. 19. A tax shall be levied on each free male inhabitant of twenty one years of age and upwards, except paupers, inhabiting said city, at a ratio not exceeding one dollar and fifty cents each.

Poll tax.

SEC. 20. When the said taxes are made out, and fixed, as herein provided, bills shall be placed in the hands of a Collector, or Collectors, to be appointed by the Mayor and Councilmen, with their warrant to collect the same. The power of the Collector, or Collectors, of the city tax shall be the same, as to the distraining, advertising, and selling property, as is now granted, by law, to the Sheriff in the collection of the State revenue and county levy; and for failure to pay taxes on real estate, the same remedies, by damages and interest, by sale of the real estate, shall exist as in the collection of the State revenue, except that all persons may purchase at said sales; bond with good security, in an adequate penalty, shall be taken of said Collector, or Collectors, payable to the city of Lexington; and he, or they, shall be removable at the pleasure of the Mayor and Councilmen. The City Collector and his securities shall be liable to judgment by motion, in the Fayette Circuit Court, for failing to collect and pay over any

Tax lists to be placed in collector's hands — his power & duty.

Penalty on collector for failing to pay over.

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sums put in his hands for collection, at the time stipulated, with ten per centum interest and costs; and five days' notice of such motion shall be sufficient; and there shall be no replevin, or valuation of property, on executions issuing on such judgments; a lien shall exist on the real estate and slaves of said Collector, and his securities, for the payment of all sums placed in his hands for collection.

Collector to continue his collections and settle his accounts.

SEC. 21. That it shall be the duty of the Collector of the city of Lexington, to continue the collection of taxes, and other city dues, until his successor shall be appointed and qualified; and he must settle his accounts, from time to time, as the Mayor and Council shall require.

Taxes &c., to be applied to the payment of debt now due; how and by whom.

SEC. 22. *Be it further enacted*, That until said city shall have paid off its present debts, there shall, annually, be appropriated towards the payment of interest and the extinguishment of said debt, at least the sum of ten thousand dollars; and the better to secure said payment, it is hereby enacted that the proceeds of the *ad valorem* tax of twenty five cents on the one hundred dollars, (part of the forty cents heretofore provided for,) and all the rents received by said city, shall be set apart for that purpose; and the Treasurer shall receive, and enter, separately, in his books, the proceeds of the tax and rents above specified, and shall pay the same out to the order of the Mayor and Council or such committee as they may appoint for said purpose, to be appropriated exclusively to the payment of so much of the present debts of the city, or the interest which may be due, or hereafter become due thereon; said Mayor and Councilmen shall also pass such ordinance or ordinances, with proper penalties, as they may deem necessary for the enforcement of this provision; and should the Mayor and Council make any appropriation of the rents and tax arising from said twenty five cents on the one hundred dollars, against the true intent and meaning and contrary to the provisions of this section, they shall be held, individually and collectively, personally, responsible; but any member may absolve himself from such liability by showing, by the records of said Mayor and Council, that he voted against, or was absent when, the act in violation hereof was committed or sanctioned.

By-laws, &c. in relation to taxes.

Penalty on mayor, &c. for misapplication of tax.

Additional taxes may be assessed & collected, and for what purpose.

SEC. 23. That in addition to the taxes before provided, the Mayor and Council of the city of Lexington shall have the authority, in each year, to levy an additional *ad valorem* tax on the property within said city, not exceeding five cents on each one hundred dollars of assessed property, which shall be collected in the same manner as other taxes are, by law, collected in said city; and that the fund arising therefrom shall be kept by the Treasurer, of said city, distinct and separate from the other funds, and shall be expended only in discharge of debts now subsisting against said city for the purchase of fire apparatus, and providing facilities for obtaining water in time of fire, or for such other appropriations as may be made by res-

olutions of the Mayor and Board of Councilmen for similar purposes.

SEC. 24. The county levy for the county of Fayette, heretofore collected from the inhabitants within the boundaries of said city, shall be discontinued.

SEC. 25. The Mayor and Councilmen shall, annually, publish an account of all the moneys received and paid out by their order during the year they are in office.

SEC. 26. *Be it further enacted*, That said Mayor and Councilmen shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same, or to pledge any part of the future taxes of the city for the payment of the principal and interest on said loan; *Provided*, that the interest paid, in no case, shall exceed six per centum per annum; and that the amount of loan, at any one time to said city, shall not exceed thirty thousand dollars.

SEC. 27. That the Mayor and Board of Councilmen of the city of Lexington are authorized to borrow such sum or sums of money, as they may deem necessary, for the advancement of the interests of any department of Transylvania University; and they may issue the bonds or scrip of the said Mayor and Board of Councilmen, signed by the Mayor, and under the seal of said city, bearing such rate of interest, not exceeding six per centum per annum, and payable at such periods, (not less than twenty years,) as they may think proper for the payment of such sum or sums as they may borrow under the authority above given; and they are hereby further authorized, if they shall hereafter deem it necessary, to issue like bonds, or scrip, payable at such time or times, as they may judge proper, for the payment of the interest upon said bonds. And they are hereby further authorized, upon subscribing sixty thousand dollars to any or all of the departments of Transylvania University, of which not less than twenty thousand shall be appropriated for the use and benefit of Morrison College, to be paid in such manner as shall be agreed on between the said Mayor and Board of Councilmen; and the present Board of Trustees of Transylvania University to elect three other Trustees; and at the first regular meeting of the said Mayor and Council, after the subscription is made, as is herein contemplated, they shall elect said three Trustees of the University, one to serve one year, one to serve two years, and the other to serve for three years, from the date of their appointments, and until their successors may be elected; and after the expiration of each term of service, a Trustee shall be elected to remain in office for the term of three years; and in case of any vacancy in the Board of Trustees, arising from the death, resignation, or refusal to act, of any one of the Trustees so appointed, the same may be filled by election by the Mayor and Board of Councilmen; but it is to be understood that the money has already been borrowed and appro-

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County levy discontinued.

Account of moneys received and paid out to be published

Mayor and council may borrow money and pledge property and taxes for same.

May borrow money for benefit of Transylvania University—how and upon what securities and time.

Three trustees to Transylvania to be elected, how & for what purpose.

No money to be borrowed

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except for debts
&c., already
due.

Watchmen
to be appoint-
ed, their pow-
ers and duties.

Inspectors of
flour, &c. to be
appointed, and
by-laws passed
in relation to.

Health offi-
cer may be ap-
pointed, and
regulations es-
tablished in re-
lation to same.

Fire depart-
ment may be
established,—
powers & priv-
ileges to same.

priated to Transylvania University under this section; and it is hereby provided that no money shall be borrowed under this section in future, nor shall the Mayor and Council have power in future to borrow money, issue bonds, or make appropriations of money, for any other purpose than for debts already existing, and the legitimate duties and purposes of the city as declared and provided in this charter.

SEC. 28. *Be it further enacted*, That the said Mayor and Councilmen shall have the power and authority to appoint and employ as many Watchmen, either for the day or night, as in their discretion they shall judge best, for the safety and advantage of the city; and such Watchmen shall be conservators of the Peace, and vested with power to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and of rioters, disorderly conduct, and carry them, with such evidence as they may possess, before the Judge of the Lexington City Court, or some Justice of the Peace, to be dealt with according to law; and if such apprehension is in the night, then to the watch house, for safekeeping, until the morning; they shall also be vested with the power and duty of patrollers.

SEC. 29. They are authorized and empowered to appoint Inspectors of flour, tobacco, whiskey, beef, pork, butter, and lard, for exportation, to provide against fraud thereon, and to make such by-laws as shall be needful to carry the same into effect, and to punish breaches thereof.

SEC. 30. They are vested with the power and authority to appoint a Health officer, to establish regulations which may be necessary and proper to prevent the introduction of the small pox, and to eradicate such disease when it shall have made its appearance in said city: *Provided*, that nothing herein shall be construed to give any power to establish any regulation inconsistent with the constitution and laws of the State, or to prevent the Legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections.

SEC. 31. They shall have the power to organize a fire department for the extinguishment of fires that may happen within said city; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to said engine; the said engine men to be appointed for any term that the Mayor and Councilmen shall ordain, and be discharged by them at pleasure; and the said Mayor and Councilmen shall make all necessary by-laws to punish any inhabitant of said city for non-attendance, or disorderly, or improper, conduct, during the time of fire.

SEC. 32. The said Board shall have the power, with the concurrence of three fourths thereof, to prohibit the erection

of buildings of wood, or to regulate the size and height of such buildings in any part of said city whereby great danger may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties.

SEC. 33. They shall have the power, and it shall be their duty, to erect or procure a suitable building or buildings for a poor house and work house, in which the indigent poor shall be comfortably provided for, at the expense of said corporation, to be regulated and managed by suitable persons, to be appointed by the Mayor and Councilmen for that purpose; and in apartments distinct from the infirm and indigent, provision shall be made for confining common beggars, vagrants, and all persons who may be sentenced for short periods of confinement, by Justices of the Peace within the city, or by the Lexington City Court, for breaches or disturbance of the peace, or for petty offences, where they shall be employed in such labor, and made to perform such tasks as shall be directed by the ordinances of the Mayor and Councilmen; persons committed to the work house shall be sent there by warrants, either of the Lexington City Court, or Justices of the Peace, as aforesaid, and discharged by the Overseer on the expiration of the time for which they were sentenced. A Committee of the Board of Councilmen, or special Overseers of the poor shall be established by the Board, who shall place the poor persons in the poor house at their discretion; but the whole establishment shall be under the control and immediate care, and subject to the frequent visitation of the Mayor and Councilmen; all by-laws and ordinances to carry this article into effective operation, not repugnant to the laws of this State or of the United States, are to be made and enforced by said corporation.

SEC. 34. They shall have power, whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses, and other description of animals, from running at large in the streets, lanes, alleys, commons, and other public places, in said city; and to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance.

SEC. 35. They shall have power to suppress, by ordinances, with suitable penalties, all tippling houses, bawdy houses, disorderly houses, and houses of ill-fame, all retailing of spirituous liquors without licenses, and all riots, disorders, breaches of the peace, and disturbances of the peace and tranquility of the said city.

SEC. 36. They shall have power to erect and procure one or more suitable buildings as powder magazines; to provide suitable carriages for the conveyance of gun powder; and to pass by-laws to prohibit the introduction of gun powder into said city, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced.

SEC. 37. They shall also have the power to impose such restrictions, by ordinance, upon the sale or other disposition

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May regulate buildings.

May erect poor house, and provide for the same.

Hogs, &c., may be prohibited from running at large in streets.

Tippling houses, &c., may be suppressed, and how.

Powder magazines may be erected.

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May impose
restrictions on
sale of playing
cards.

of playing cards by retail, in said city of Lexington, as will prevent the vending or trading of the same to slaves; and if deemed necessary, require bond, with good security, from all retail venders of playing cards, upon such terms and conditions as they may ordain; and monthly or quarterly accounts to be rendered to the city Clerk.

Powers, &c.
of trustees ves-
ted in mayor &
councilmen.

SEC. 38. *Be it further enacted*, That all the rights, privileges, and property, real and personal, and *choses in action*, which are now vested in, and belonging to, the Trustees of the town of Lexington, shall, as soon as said Board of Mayor and Councilmen may be organized, be vested in, and belong to, said city of Lexington, subject to the payment of all just demands which may exist against said Trustees, and for which they are responsible.

Real estate
held in trust by
trustees, vested
in mayor and
council.

SEC. 39. That the title for real estate within the present town of Lexington, held in trust for others, shall be, and hereby is, vested in the Mayor and Councilmen of said city, and their successors, subject to the like trust under which it was held by the Trustees of Lexington; and in suing the city, the writ shall run against the Mayor and Councilmen of the city of Lexington, and service on the Mayor, or Clerk, or Secretary, shall be sufficient service of such process.

Power to pur-
chase and hold
real estate, and
for what pur-
pose.

SEC. 40. The Mayor and Councilmen of the said city shall have power to purchase, hold, and sell, real estate within the limits of said city, and also purchase, hold, and sell, real estate out of the limits of this city for the purposes of a potters-field, cemetery, and other purposes, not exceeding one hundred acres; also to purchase, hold, and sell personal estate, and stocks in incorporated companies.

By-laws & or-
dinances may
be passed, and
for what pur-
poses.

SEC. 41. *Be it further enacted*, That the Mayor and Councilmen shall have full power to pass all needful ordinances and by-laws for carrying into effect all the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbances of religious worship, riots, and breaches of the peace, where the penalty may be one hundred dollars.

Validity of or-
dinances, how
tried.

SEC. 42. The validity of the city ordinances and by-laws may be tried by a writ of prohibition from the Judge of the Fayette Circuit Court, with the right of appeal to the Court of Appeals.

Decisions on
validity of or-
dinances may
be appealed
from.

SEC. 43. Should the Judge of the City Court decide against the validity of any ordinance, or by-law, the said decision, with the ordinance, or by-law, shall, on request of the City Attorney, be certified on the record; and the city of Lexington shall have the right of carrying said decision to the Court of Appeals by appeal or writ of error.

Penalties of
violation of or-
dinances how
sued for.

SEC. 44. All penalties for violation of the ordinances and by-laws shall be sued for by warrant in the name of the city of Lexington in the Lexington City Court, and judgments may be given as well for the costs as the penalty.

SEC. 45. The Mayor and Councilmen shall cause all the by-laws and ordinances passed by them, to be fairly recorded in the journal of their proceedings, and publish the same in one or more newspapers printed within said city.

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By-laws, &c.
to be recorded.

SEC. 46. *Be it further enacted*, That the Mayor and Councilmen shall appoint all necessary subordinate officers, to carry the foregoing provisions of this act into full effect, such as a City Treasurer, Police officers, Overseers of the poor and work house, and any other that may be required, and to qualify them for the faithful discharge of their several duties, and require bond and securities of them for the same.

Subordinate
officers to be
appointed.

SEC. 47. *Be it further enacted*, That the Mayor and Councilmen shall have and possess all the powers and authority heretofore vested in the Trustees of Lexington, either by the general laws of this Commonwealth, or the particular laws now in force, in respect to the town of Lexington, with power and authority to adopt the by-laws and ordinances of said town, and the same to repeal, alter, and amend, as to them shall seem best; and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said city, not contrary to the constitution of this State or of the United States.

Mayor, &c.
to have all the
powers vested
in trustees.

SEC. 48. The Mayor and Councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate to erect the necessary buildings, and to provide the revenue for their maintenance by a tax on the ward in which such school or schools shall be established. But they may establish one city school for the entire city, and, upon its being made a free school, may provide the revenue for its maintenance by a tax on the whole city.

Free schools
may be estab-
lished and do-
nations made
thereto.

City school
may be estab-
lished.

SEC. 49. *Be it further enacted*, That the Mayor of said city shall be the chief executive officer of said corporation, and it shall be his duty to see that all the laws and ordinances of the city shall be duly executed and put in force. It shall be his duty to see that all the officers appointed by the Mayor and Board of Councilmen shall discharge their respective duties faithfully and efficiently; and upon a failure of any one of said officers so to do, the Mayor shall report the delinquent to the Council.

Mayor to be
chief executive
officer.

His duty in
relation to oth-
er officers.

SEC. 50. He shall have the care and superintendence of all the public property of said city; and under the direction, and with the consent, of the Council, he shall make all contracts, on behalf of the city, for public works and improvements, and see that they shall be conducted and completed according to contract.

Mayor to
have care of
public proper-
ty.

SEC. 51. He shall be superintendent of the market house, and of the city work house and prison, and visiter of the city school, and shall perform such other duties as a majority of the

Shall super-
intend market
house, &c.

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Powers and
duties of Mayor.

To preside at
all meetings of
the board.

To commu-
nicate informa-
tion to board,
&c.

May call out
militia to dis-
perse mobs &c.

His powers
and duties in
relation to gam-
ing, &c.

May take ac-
knowledgments
of deeds, &c.,
his fees there-
for.

May examine
witnesses under
dedimuses, and
take deposi-
tions.

Board of Councilmen may think proper to impose upon the chief executive officer of the city.

SEC. 52. He shall keep the public seal of said city, and shall keep an office in some convenient place in said city; and he shall have power to administer oaths. He shall have power to summon a meeting of the Board of Councilmen at any time, and so often as he may deem it advisable, notwithstanding they may have adjourned to a more distant day. He shall, if present, preside at all meetings of the Board, except when his own salary may be the subject of legislation; and in case of a tie on any question he shall give the casting vote, but he shall not otherwise have a vote in the Board, except in the cases herein before specified.

SEC. 53. It shall be his duty, from time to time, to communicate to the Board of Councilmen all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornaments of said city.

SEC. 54. He shall have power in cases of riots, mobs, and other violent infractions of law by assemblages of persons, to call out the militia of the city, in aid of the civil power, in their suppression, and when so called out, the same shall be under his command, and the officers of the militia bound to obey his lawful orders.

SEC. 56. That whenever the Mayor of the city shall be advised of any assemblage of persons, any where in the county of Fayette, for the purpose of gaming, or other unlawful objects, or where assemblages of negroes, or others, for the purpose of gaming, drinking, or for any purpose not allowed by law, or where the said assemblage shall or may be constituted partly of white and partly of black population, it shall and may be lawful for the said Mayor, with the power of the county, (if required,) to proceed to the place of such rendezvous, or unlawful assemblage, with his Marshal, or other officer or officers, and to arrest all persons so unlawfully assembled, and to forthwith bring them before any Justice of the Peace of the county, to be dealt with according to law.

SEC. 57. *Be it further enacted*, That the Mayor of said city shall have the same power and authority to take the acknowledgement of deeds, and powers of attorney, and to take the privy examination of *feme covert*s, and to certify the same, that the Clerks of the several County Courts have within this Commonwealth, and his certificate shall authorize the recording thereof, in like manner, and he shall have, and be entitled to receive, a fee of fifty cents for each certificate so made; he shall also have power and authority to examine witnesses under dedimuses from any court within this or any other of the United States, or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the

sum of one dollar; he shall also have power and authority to take depositions, in said city, in all other cases where Justices of the Peace are now authorized to take the same.

SEC. 58. *Be it further enacted*, That the Mayor of said city shall be compensated for his services, by a salary payable quarterly out of the funds of the corporation, to be fixed by the Board of Councilmen, exclusive of the Mayor; and said salary shall be exclusive of all fees which he may receive for certifying documents of a public or private nature, or for services rendered to individuals, which he may be called on to execute or perform in his official capacity.

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Mayor's salary, how to be fixed and paid.

SEC. 59. *Be it further enacted*, That the Mayor shall have power, by and with the advice and consent of a majority of all the Councilmen elected, at a stated or called meeting of the Council, to remit any fine, penalty, or forfeiture, incurred or imposed by any by-law or ordinance of the city, and discharge from the work house any person therein confined. But in all cases of remission of fines, or discharge from imprisonment, the same shall be made conditional on the offender paying the fees of the Clerk, Marshal, and other officers, and if not made so conditional, said fees shall be paid from the city Treasury.

Mayor may remit fines on certain conditions.

SEC. 60. *Be it further enacted*, That there shall be in said city an officer, to be styled the City Marshal, who shall be chosen by the said Mayor and Councilmen, and be sworn to the faithful discharge of the duties of his office; which he shall hold for one year, and until another shall succeed him, removable, however, at the pleasure of the Board. He shall, if required by the Mayor and Councilmen, have a resident deputy in each ward of said city. His deputies shall be appointed with the advice and consent of the Mayor and Councilmen. He shall, by himself or deputy, attend all the sessions of the Mayor and Councilmen; and of the Lexington City Court, and preserve order under their or his directions. He shall, by himself or deputy, execute all process emanating from the Lexington City Court. He may be appointed City Collector; shall also collect the fees of the Judge of the Lexington City Court, Mayor, and Clerk, if required. He shall execute bond, with sufficient security, in an adequate penalty, before the Mayor and Councilmen, to the Commonwealth of Kentucky, conditioned to faithfully discharge the duties of his office, and to pay over all sums of money that may come into his hands, to the persons entitled; and a lien shall exist on the land and slaves of said Marshal, and sureties, from the time of executing bond, for all sums of money that shall come into his hands. He shall be entitled to receive the same fees, for the like services, which Sheriffs are entitled to receive; and shall have the same power and duty within the city. He and his sureties shall be liable to judgment, by motion, in the Fayette Circuit Court, in favor of any person entitled to money collected by said Marshal, in like manner as Sheriffs are liable.

City marshal to be appointed—his term of office, duties & liabilities.

To execute bond—its penalty and condition.

1842

To collect
fees due clerk
of city court.

SEC. 61. It shall be the duty of the Marshal of said city to collect all fees due to the Clerk of said court, when fee bills therefor shall be placed in his hands for collection, in like manner as is prescribed by law in relation to Clerks' fees of Circuit and County Courts; and he shall receive the same compensation for receiving, collecting, and paying over said fees, which is allowed Sheriffs for like services; and he shall be liable to motion in the City Court in case of delinquency, or breach of official duty, in like manner as Sheriffs are in the Circuit Court.

City court to
be established—
Judge appointed,
and his salary.

SEC. 62. There shall be established, in said city, a court, to be styled the Lexington City Court, which shall be held by one Judge, appointed and commissioned like other judicial officers of this Commonwealth, who shall receive for his services (independent of his fees of office as provided herein) a salary of five hundred dollars per annum, payable quarterly, out of the public Treasury.

Powers and
jurisdiction.

SEC. 63. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said city; and criminal jurisdiction in all cases where, by the laws of this State, Justices of the Peace within the county of Fayette are, or shall be, authorized to hear and determine, or in any manner to act; and as to committing criminal offenders, and sending them on for trial, said court shall have the powers of two Justices of the Peace.

Powers in re-
lation to open-
ing streets, &c.

SEC. 64. Said court shall, concurrently with the Fayette Circuit Court, exercise the power and jurisdiction which is given herein, in regard to the opening and extension of streets in said city; and in the absence of the Circuit Judge, shall have concurrent jurisdiction with said Fayette Circuit Court in cases of idiocy and lunacy, and similar proceedings shall be had in such cases in the City Court, to those had in the Circuit Court.

-Powers and
duties in re-
lation to breaches
of the peace,
&c.

SEC. 65. Said court shall have concurrent jurisdiction with the Fayette Circuit Court in prosecutions, by indictment, or presentment, for breaches of the peace, nuisances, and violations of the statutes against gaming, occurring in the city of Lexington; and may cause to be summoned a grand jury to inquire into such of the offences, cognizable in said court, as may be indictable or presentable; and proceedings shall be instituted and prosecuted in such cases in the same way that proceedings are had in the Circuit Court in similar cases, and the verdicts and judgments in such cases shall be of the same character, and for the same amounts, with those rendered in similar cases in the Circuit Court. But any person prosecuted to conviction, or acquittal, for a violation of the ordinances of the city, shall not be afterwards prosecuted, by indictment or presentment, for the same offence, and *vice versa*.

Shall have
same jurisdic-

SEC. 66. Said City Court shall have jurisdiction of all cases of vagrancy arising within said city, and the Justices of the Peace of Fayette county are hereby required to make the re-

cognizances of all persons charged with being vagrants, within the city of Lexington, returnable to the City Court instead of the Circuit Court, to make out a statement of the evidence, and recognize the witnesses to appear at the next City Court, in all respects as to the Circuit Court; and upon conviction of vagrancy, the person shall be sentenced to labor in the city work house, for a period not less than three nor more than six months, to be ascertained by the jury: but presentment or indictment by the grand jury, in the said City Court, may be made in all cases of vagrancy, without previous examination before a Magistrate.

SEC. 67. Said City Court shall have authority, upon information that any slave or slaves within said city are hiring their own time, with the consent of their master or owner, to cause said slave or slaves to be confined, at labor, in the city work house, for three months: *Provided*, that the master or mistress, or hirer, of such slave or slaves shall first be summoned to show cause, if any he, she or they can, why such slave or slaves should not be confined as aforesaid.

SEC. 68. The jurisdiction of the city Judge of the city of Lexington shall extend to all cases of riots, routs, or unlawful assemblies, within the county of Fayette, as hereinafter provided, whenever said Judge shall be advised, or shall receive information, on oath, of any rout, or unlawful assemblage of the people for the purpose of gaming, or any unlawful purpose whatever, whether such unlawful assembly shall consist of freemen or slaves; or both, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the Sheriff, or any Constable of said county, or to the Marshal of the city; and if no officer should be at hand to serve said warrant, then to such discreet person as he (said Judge,) shall appoint, returnable before some Justice of the Peace of the county; on which warrant it shall be the duty of the officer, or other person, to arrest, and to bring before the said Justice of the Peace of the county of Fayette, all the persons who shall be found so assembled, to be dealt with by the Justice according to law; and it shall be the duty of the citizens of the city and county to attend the officer, or other person, if they should be thereunto summoned, to aid and assist in arresting the persons so found guilty of infracting the law.

SEC. 69. Said City Court shall be holden at such place as the Mayor and Council shall designate, or, they failing to designate a place, at such place as the Judge shall select; and the Judge shall have power to fix such time for the holding of his court, as in his discretion the cases coming before him for trial may seem to him to require. Said court shall be a court of record, and shall have a seal, which shall be provided by the Mayor and Council, and shall be in the custody of the Clerk of the City Court, to be used and affixed by him as the seals of the Circuit Courts are.

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tion in cases of
vagrancy as
justices have.

Powers and
duties in regard
to slaves hiring
their own time.

Jurisdiction
over riots, routs
&c., powers in
relation thereto

Place of hold-
ing how fixed—
& time of hold-
ing, &c.

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Clerk, how
and by whom
appointed, his
powers and du-
ties defined.

SEC. 70. The Clerk of said City Court shall be appointed by the Judge of said Court, and it shall be his duty to keep a record of the proceedings of said court; to issue all original process for bringing parties before said court, and executions and precepts on its judgments; and to perform all the duties which usually pertain to the office of Clerk of a court in this Commonwealth. He shall charge and receive the same fees which are allowed to the Clerk of the Fayette Circuit Court for like services; and when he shall perform services, for payment whereof no provision is made by law, he shall charge and receive such fees as shall be adjudged reasonable, and allowed by the Judge of his court, but shall not be permitted to charge fees against the city, or the Commonwealth, in cases in which the prosecutions in their favor may be unsuccessful.

Penalties, how
sued for, &c.

SEC. 71. All penalties for breaches of the ordinances and by-laws of the city, shall be sued for by warrant in the name of the city, and be for its use.

Fines, how
applied.

SEC. 72. All fines in prosecutions in the name of the Commonwealth, in said court, shall be for the use of the Jury Fund, except the sum of five hundred dollars, which shall be for the use of the city of Lexington; and in consideration of the amount so given, the city of Lexington shall annually pay into the public Treasury of the State, in the month of December, the sum of five hundred dollars, and in default of payment the city shall be liable to motion, by the Auditor, as Sheriffs and other collecting officers are.

Penalties for
violation of or-
dinances.

SEC. 73. All persons convicted of violating the ordinances and by-laws of said city, shall be confined in the city work house, at labor, until the fines assessed against them, and the costs of prosecution, are discharged, at fifty cents per day, instead of being confined in jail.

Remedies for
collection of
fines.

SEC. 74. In prosecutions, by indictment, in the name of the Commonwealth, the same remedies for the collection of the fines assessed shall exist, as are provided by general laws for prosecutions in the Circuit Court.

Judge to have
power to take
acknowledg-
ments
of deeds, &c.,
and to take de-
positions,—his
fees therefor.

SEC. 75. The Judge of the City Court shall have the same power and authority to take acknowledgments of deeds, and powers of attorney, and to take the privy examination of *feme coverts*, and to certify the same, that the Clerks of the several County Courts have within this Commonwealth; and his certificate shall authorize the recording thereof in like manner, and he shall have, and be entitled to receive a fee of fifty cents for each certificate so made; he shall also have power and authority to examine witnesses under *dedimus* from any court within this or any of the United States, or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; he shall also have power and authority to take depositions in said city in all other cases where Justices of the Peace are now authorized to take the same: *Provided*, that

said Judge, for the performance of such duties; and the exercise of such powers as come within the jurisdiction of Justices of the Peace for the county of Fayette, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to Justices of the Peace, except the salary herein provided for; and he shall have the right to issue fee bills, and collect them, in like manner as Justices of the Peace now have.

SEC. 76. That all recognizances taken by the Judge of the City Court, when the day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Fayette Circuit Court; and all recognizances, except those above excepted, shall be returned to the Clerk of the said court, under the hand of the said Judge, and shall be docketed as recognizances taken and returned by Magistrates. The said Judge, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witness, and shall return the statement of the evidence, and the recognizance, to the Clerk of the Fayette Circuit Court.

SEC. 77. That no judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the Judge of the City Court shall be of opinion that a judgment for full costs should be rendered against the offender, and shall so certify on the record.

SEC. 78. That whenever the fees of the Marshal and Clerk are discharged by confinement in the work house, they shall be paid out of the City Treasury.

SEC. 79. That the city of Lexington shall be allowed, out of fines collected on prosecutions in the name of the Commonwealth, in the City Court, where the same exceeds five hundred dollars, heretofore given the city, to pay to Clerk of City Court, as compensation for his services in criminal cases, forty dollars.

Approved, February 25, 1842.

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To have the same fees as Justices of the Peace for like services.

Recognizances taken by judge, when & where returnable.

Costs above am't of fine not to be given.

When fees paid out of city treasury.

Allowance to city upon fines, &c.

CHAPTER 342.

AN ACT to establish two additional election precincts in the county of Carter, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established in the county of Carter two additional election precincts, and the places of voting shall be held, one at the house of John Fults, on Little Sandy, and the other place of voting shall be at the house of Thomas Smith, on the Buffaloe fork of Tigert's creek; and it shall be the duty of the County Court of Carter to appoint Judges and Clerks for said precincts; and the taking of votes shall, in all respects, at said places of voting,

Carter.

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be regulated as other places of voting in this Commonwealth are governed.

Kenton.

SEC. 2. *Be it further enacted*, That the Bagby precinct, in the county of Kenton, be, and the same is hereby, abolished.

Approved, February 26, 1842.

CHAPTER 343.

AN ACT to divorce Catharine Pepper, and to change her name.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Catharine Pepper and Abner Pepper, be, and the same is, forever dissolved, so far as relates to the said Catharine, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her former name of Catharine Fronk.

Approved, February 26, 1842.

CHAPTER 344.

AN ACT for the benefit of Emily Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Emily Jackson and William Jackson is forever dissolved, so far as respects said Emily, who is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Emily Breckinridge.

Approved, February 26, 1842.

CHAPTER 345.

AN ACT for the benefit of William R. McFerrin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasury, in favor of William R. McFerrin, for the sum of fifty dollars, for his services as Prosecuting Attorney in the eighteenth judicial district, from the 13th December, 1841, to the 13th February, 1842, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, February 26, 1842.

CHAPTER 346.

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AN ACT for the benefit of William Beatty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer in favor of William Beatty, for the sum of seventy two dollars, the price of twelve wolf scalps, taken in Laurel and Pulaski counties, and rejected by the Auditor when presented for payment because of informality in the certificates.

Approved, February 26, 1842.

CHAPTER 349.

AN ACT for the benefit of Dillard Hazelrigg and Almanzor Ward.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Dillard Hazelrigg and Almanzor Ward to become members of the Mountsterling Light Infantry Company, of the 31st Regiment Kentucky Militia, any law to the contrary notwithstanding.

Approved, February 26, 1842.

CHAPTER 350.

AN ACT enlarging the limits of the town of Bryantsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Bryantsville be so enlarged as to include the stone house of B. M. Jones, and the houses and lots of Strother Ison and John Shipman, now occupied by them.

Approved, February 26, 1842.

CHAPTER 353.

AN ACT for the benefit of the widow and heirs of James Beasley, deceased, and the infant children of Claiborne Chandler.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the executors of James Beasley, deceased, to file a bill in the Christian Circuit Court, setting forth debts of the estate of said Beasley, and making his widow and heirs defendants, and stating in substance that it would redound to the benefit and advantage of said widow and heirs to sell the mill tract of land on which said Beasley died, and to apply the proceeds thereof, or as much as may be necessary, for the payment of the debts of said estate, before touching the personal proper-

Beasley's ex'r
may file bill in
chancery—and
for what pur-
pose.

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Sale of land
may be decreed

ty thereof. And the Chancellor shall have power, if he shall deem the sale expedient, to decree a sale of said mill tract of land for the purposes aforesaid; and shall have the further power to appoint a Commissioner to execute a deed of conveyance for the same to the purchaser or purchasers; and shall have full power to do all acts that may be necessary and proper to carry into effect this act.

Chandler may
file bill in ch'y,
and for what
purpose.

SEC. 2. *Be it further enacted*, That Claiborne Chandler, the father of Ann Elizabeth Chandler, Minerva Chandler, and Robert Chandler, all of whom are minors, may file his petition in the Barren Circuit Court, in which shall be alledged, as is shown to this General Assembly, that said children, in right of their deceased mother, who was the sister of Emily Menifee, late of the State of Arkansas, now deceased, are entitled to a distributable share of a tract of land of about one hundred and seventy nine acres, in Barren county. And said court need require no service of process on said minors, either actual or constructive, as they reside with their father in Missouri, but shall appoint a guardian *ad litem*, who shall answer for said minors; and said court may prescribe the manner in which testimony may be taken in the case. And if, on hearing of said petition, the court shall be satisfied, from proof, that the interest of said children in said land is unproductive, and indivisible to advantage, then said court may decree the sale of said land, under such rules and regulations as the court may prescribe, taking bond and approved security of the said Claiborne Chandler to account to said children for the proceeds of the sale of said land.

Approved, February 28, 1842.

CHAPTER 353.

AN ACT to change the place of voting in the Forman's Bottom election precinct in the county of Lewis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in the Forman's Bottom election precinct, in the county of Lewis, shall be changed from the house of William Marshall, in said precinct, to that of Nathaniel R. Garland.

Approved, February 28, 1842.

CHAPTER 355.

AN ACT extending the limits of the town of Florence, in Boone county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporate limits of the town of Florence, in the county of Boone, shall be, and the same is hereby, so extended as to embrace the following quan-

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tity of land adjacent to said town: beginning at the Reformed Church, near the intersection of the Big Bone road with the turnpike road; thence north 46 east, 43½ poles, to the property of L. L. Youell; thence south 84 east, 23 poles, to a stone; thence north 46 east, 34 poles, to a stone; thence north 27 west, 86½ poles, to a stone; thence south 52 west, 81 poles, to a stone; thence south 35 west, 26 poles, to a stone; thence south 55 east, 16½ poles, to a stone; thence south 20 west, 6 poles, to a stone; thence south 33 east, 53 poles, to the beginning, containing fifty and one half acres of land. The aforesaid tract or parcel of land shall be, and the same is hereby, attached to, and shall form a part of, the town of Florence, and be subject to the municipal regulations of said town, in the same manner, and to the same extent, that the citizens are now subject by virtue of the act of January 27th, 1830, establishing the same and changing its name from Connersville to Florence, and to which act this is proposed as an amendment.

Approved, February 28, 1842.

CHAPTER 356.

AN ACT to establish a town at Ruddell's Mills, and to limit the elections to one day in certain counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the inhabitants of the village at Ruddell's Mills, in Bourbon county, lying and being within the following boundary, to-wit: beginning at the mouth of Stoner, and running up the same to the corner of N. Brindley's lot; thence with the western line of said lot to the next corner; thence in a southeastern direction to the corner of the Presbyterian Church lot; thence with the western line of said lot, to the southwest corner; thence east with said lot, running past the corner and through the farm of James Coons' to the house of Robert Stephens, including the same; thence north to the southeast corner of the Methodist Church lot; thence with the east line of said lot until it strikes Hinkston; thence, crossing said creek, and running west to a point opposite the mouth of Stoner; thence south to the beginning, shall be, and the same is hereby, invested with corporate powers.

Boundary
town defined.

SEC. 2. *Be it further enacted*, That for the good government thereof, John McKee, Alexander H. Wall, Nicholas Brindley, Samuel Howard, Alfred Willett, Carlton Willett, and Benjamin Bowen, are hereby constituted Trustees for said town, who shall continue in office for one year from and after the first day of May next, and until their successors are duly elected and qualified.

Trustees
named, & their
powers defined.

SEC. 3. *Be it further enacted*, That it shall be lawful for the free white male citizens of said town, who are twenty one years old, annually, to elect Trustees for the government of the same.

Who may
vote for trustees

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Vacancies
how filled, and
by-laws may
be adopted.

Pay not to
be allowed to
officers of elec-
tion for more
than one day.

SEC. 4. *Be it further enacted*, That the Trustees of said town shall have power to fill all vacancies that may happen in their own body, to appoint town officers, and adopt all by-laws which they may deem necessary for the good government of said town, not inconsistent with the constitution or laws of this Commonwealth.

SEC. 5. *Be it further enacted*, That it shall not be lawful for the Bourbon County Court to allow compensation for more than one day to the Judges and Clerks of any election in said county, for the election of persons to fill offices in either the State or Federal Government, unless satisfactory proof be made that the election was continued more than one day at the request of some one of the candidates.

SEC. 6. *Be it further enacted*, That the general elections in Oldham, Henry, Trimble, and Hickman, counties, shall be held but one day, unless at the request of a candidate.

Approved, February 28, 1842.

CHAPTER 358.

AN ACT for the benefit of Martin Fugate, late Sheriff of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Martin Fugate, late Sheriff of Pendleton county, be, and he is hereby, released from the eighteen per centum recovered against him in the General Court, for failing to pay in the revenue due from him at the time prescribed by law.

Approved, February 28, 1842.

CHAPTER 360.

AN ACT act for the benefit of the widow and heirs of March Hinkle, deceased.

May file bill
in chancery, &
for what pur-
pose.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Hinkle, Senior, and Charles Hinkle, Jr., may file their bill in chancery, in the Shelby Circuit Court, setting forth, under oath, the terms of a contract made by them with March Hinkle, deceased, for his interest in a tract of land purchased by said Charles Hinkle, Jr. and said March Hinkle, in his lifetime, of the late William Taylor, deceased; they shall make the widow and heirs of said March Hinkle defendants, who shall answer under the rules of chancery proceedings; and on the hearing of the cause, if the court shall be satisfied that said March Hinkle, in his lifetime, did sell to said Charles Hinkle, Senior, and Charles Hinkle, Jr., or either of them, his interest in the lands purchased as aforesaid, that the sale was *bona fide* for a fair consideration, and that the purchase money has been paid, then a decree may be rendered for the conveyance of the premises pursuant to the terms of the contract.

SEC. 2. *Be it further enacted,* That if the said Charles Hinkle, Sr. and Charles Hinkle, Jr., or either of them, or their vendees, shall be legally evicted from the land, provided to be conveyed by the provisions of this act, or if the said land shall be recovered of the heirs of said March Hinkle, deceased, before the conveyance is decreed, then John Speer of Oldham county, as guardian for the minor children of said March Hinkle, deceased, may file his bill in chancery in the Shelby Circuit Court, making the widow and children of said March Hinkle, deceased, defendants; in which bill he shall, under oath, exhibit the true situation of said estate, showing the amount of money, debts due, and the real and personal property, slaves included, belonging to said estate, as also the amount of debts due from said estate; and if in answer of defendants, filed under the rules of chancery practice, and proof taken, the court shall be satisfied that the slaves or landed property of said estate will have to be sold to pay the debts of said estate, then said court, at the option of the parties interested, under a sound discretion, may decree the sale and conveyance of the real property of said estate in preference to selling the slaves; or if a sale of the slaves shall be decreed, and not be sufficient to pay the debts, then said court may further decree the sale and conveyance of the real property, or such part thereof, as may be sufficient to pay the debts of said estate.

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Steps to be
taken if evicted
from land.

Matters to be
set forth in bill.

Approved, February 28, 1842.

CHAPTER 361.

AN ACT for the divorce of Catherine Blair.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Samuel Blair and Catherine Blair is hereby dissolved, so far as the said Catherine is concerned, and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 28, 1842.

CHAPTER 362.

AN ACT to change dividing line between the counties of Oldham and Trimble, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the line dividing the counties of Oldham and Trimble shall be changed as follows, to-wit: beginning at Patten's creek, on the line dividing said counties, opposite the present residence of Joseph Abbott; running thence a straight line to the Henry county line, by the Pleas-

Boundary
line of Oldham
and Trimble.

1842Floyd & Pike
line changed.Baptist church
—authorized to
sell lot, &c.

ant Ridge Meeting House, so as to include said meeting house in Trimble county; and that all the territory north of said line shall form a part of the county of Trimble.

SEC. 2. *Be it further enacted*, That the line dividing the counties of Floyd and Pike be changed so as to include the house and farm of Hiram Bevin's, in Pike county.

SEC. 3. *Be it further enacted*, That it shall be lawful for the Trustees of the Baptist Church in Owen county, called Greenup's Fork, to sell and convey their old meeting house, and the lot of ground upon which it stands, together with all the appurtenances thereunto belonging.

Approved, February 28, 1842.

CHAPTER 363.

AN ACT for the benefit of the citizens of Lawrence county, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the holders of plats and certificates of survey made by William H. Thompson, deceased, late Surveyor of Lawrence county, of lands lying in said county, have the further time of one year, from and after the passage of this act, to return the same to the Register of the Land Office, whose duty it shall be to receive and receipt for such plats and certificates, and issue patents thereon according to the laws now in force in relation to the emanation of patents; and the administrator of the estate of the said William H. Thompson, Surveyor as aforesaid, shall be entitled to the same fees for making said surveys, plats, and certificates, to which his intestate was entitled in his lifetime.

Approved, February 28, 1842.

CHAPTER 365.

AN ACT for the benefit of Peter Dupauw.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the line, hereafter to be run, separating the county of Lincoln from the county of Boyle be, and the same is hereby, directed to be run, beginning at Shelby's Meeting House and terminating at the five mile tree, so as to include the farm and dwelling of Peter Dupauw in the county of Lincoln.

Approved, February 28, 1842.

CHAPTER 366.

AN ACT for the benefit of the Jailers of certain counties.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Jailers of Casey, Cumberland, Bracken, Anderson, Barren, Monroe, and Allen, counties, shall not be required to live within two hundred yards of the jails of said counties: *Provided,* the County Courts of said counties enter of record their consent thereto.

Approved, February 28, 1842.

CHAPTER 367.

AN ACT to incorporate the Lagrange Library Association.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William D. Mitchell, William T. Barbour, Sr., Hugh L. Givens, A. M. Gazlay, Thomas J. Arniss, William G. Willett, William T. Barbour, Jr., F. F. C. Triplett, William G. Taylor, and the rest of the subscribers who have subscribed, or may hereafter subscribe, to the Lagrange Library Association, shall be a body corporate and politic, to be known by the name and style of the Lagrange Library Association, and by that name shall have power to sue and be sued, plead and be impleaded, and to have, make, and use a common seal.

Corporators,
powers granted

SEC. 2. That the shareholders of said Association shall meet at such place in the town of Lagrange, on the first Saturday in June, 1842, and on the first Saturday in June of every year thereafter, as they or the President thereof may direct, for the purpose of choosing such officers as the constitution of said Association provides for, who shall hold their said offices, respectively, for one year, and until their successors shall have been duly appointed and qualified; and the Librarian and Treasurer of said Association shall take an oath faithfully and impartially to discharge their duties according to the constitution and laws of the institution.

When and
how officers are
to be chosen,
and tenure of
their offices.

SEC. 3. The officers already chosen by the Association shall have power and authority to act until the general meeting in June, and until their successors shall have been duly elected and qualified.

Those in of-
fice to act until
others are ap-
pointed.

SEC. 4. The Lagrange Library Association shall have power, (a majority of those present at their meetings concurring,) to pass any by-laws they may deem fit, not incompatible with the laws of the State, by which by-laws all the members of the Association shall be bound, to receive donations and make contracts, and to do all other acts which such institutions usually are empowered to do.

By-laws, &c.
may be passed.

SEC. 5. The Legislature may alter, amend, or repeal, this act at any time.

Approved, February 28, 1842.

CHAPTER 368.

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AN ACT for the divorce of Mary O. Knight

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Mary O. Knight and Charles Knight be, and the same is, forever dissolved, so far as relates to the said Mary O. Knight, and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 28, 1842.

CHAPTER 369.

AN ACT for the divorce of Matilda Wood and Margaret Long.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Matilda Wood and George G. Wood be, and the same is, forever dissolved, so far as relates to the said Matilda, and she is hereby restored to all the rights and privileges of an unmarried woman.

SEC. 2. *Be it further enacted,* That the marriage contract heretofore existing between Richard H. Long and Margaret, his wife, be, and the same is hereby, dissolved, so far as the said Margaret is concerned; and the said Margaret is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 28, 1842.

CHAPTER 370.

AN ACT for the benefit of Eliza Wilson Newton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Eliza Wilson Newton be, and the same is hereby, changed to that of Eliza Wilson Johnson, and the said Eliza Wilson Johnson is hereby declared capable of taking by inheritance the estate of Hiram Johnson.

Approved, February 28, 1842.

CHAPTER 371.

AN ACT for the divorce of Adella Noel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Adella Noel and Robert Noel be, and the same is, forever dissolved, so far as relates to the said Adella,

and she is hereby restored to all the rights and privileges of an unmarried woman.

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Approved, February 28, 1842.

CHAPTER 372.

AN ACT for the divorce of Ann Creighton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Ann Creighton and George Creighton be, and the same is, forever dissolved, so far as relates to the said Ann Creighton, and she is hereby restored to all the rights and privileges of an unmarried woman.

Approved, February 28, 1842.

CHAPTER 373.

AN ACT to incorporate the Mount Washington Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Enos Kerr, Frederic Johnson, William W. Swearingen, Benjamin M. Wibble, and Joseph Swearingen, shall be, and are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the Mount Washington Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Names of
corporators and
powers.

SEC. 2. The said Academy shall be located in Mount Washington, and said Trustees shall hold their first session in said town, on the first Saturday in March next, at such place as any four of them may designate, and shall continue in office till their successors in office are appointed as is hereinafter stated.

Location &c.

SEC. 3. That said Trustees, or a majority of them, or their successors, shall call a meeting of the subscribers to said Academy, on the third Saturday in March next, at such place as the said Trustees may designate, in the town of Mount Washington, when a majority of the subscribers present at such meeting shall choose five Trustees for said Academy, either the five Trustees above named, or any others they may see proper to select; and if no election is held on that day, an election shall be held at such time and place, in said town, as the said Trustees shall direct, within three weeks thereafter; and on the third Saturday in March, in every year thereafter, a re-election of Trustees for said Academy shall take place as aforesaid, and said Trustees, elected as aforesaid, shall continue in office till their successors are regularly appointed.

Trustees to be
chosen—when
and in what
manner.

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President and
other officers to
be chosen.

Majority to be
quorum.—By-
laws, &c. may
be enacted.

Vacancies—
how filled.

May purchase
and hold lands,
&c.

Trustees to
approve of pro-
fessors, &c.

Reservation.

SEC. 4. That said Trustees, or their successors, shall, at their first session, or any subsequent session, as they may choose, elect a President of said Board, to be chosen of their own body, and such other officers as they may deem necessary, or they may provide for the election of said officers by the subscribers to said Academy. That a majority of said Trustees shall constitute a quorum for the transaction of business relating to said Academy; that they shall have power to make and enact such rules and by-laws for the government of said institution as they may deem expedient, not incompatible with the laws of this Commonwealth; and upon the death, resignation or removal of any of the Trustees of said Academy, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies, and the person or persons, so appointed, shall hold their office until the next regular election of Trustees.

SEC. 5. That said Trustees, and their successors in office, shall be capable in law to purchase, receive, and hold, to them and their successors, for the use and benefit of said Academy, any land, tenements, goods and chattels, which may be given, devised, or purchased by them. That said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 6. That a majority of said Trustees, or their successors, shall have the approval of all Professors or other Tutors for said institution, and may dismiss them at any time; that the President or any two members of said Board of Trustees shall have power to call a meeting of said Trustees, and said Trustees shall, upon such call, convene and transact such business as shall be deemed necessary for the management of said institution.

SEC. 7. *Be it further enacted,* That the Legislature reserve the right to modify or repeal this act whenever the public good requires it.

Approved, February 28, 1842.

CHAPTER 374.

AN ACT for the benefit of Polly Greenlee and her four youngest children.

Sale of land
authorized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Hugh Hays and Samuel Huston to file, on oath, their petition in the Lincoln Circuit Court, alledging in substance that they are the executors of David Greenlee, deceased, and that his personal estate has been exhausted in the payment of his debts, leaving a considerable portion thereof unpaid, so as to require the sale of his negroes for the payment thereof, and that in their opinion a sale of a certain tract of land, lying in Lincoln county, containing about eighty seven acres, whereof said testator died seized and possessed, and the application of the pro-

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ceeds of said sale to the payment of said debts in exoneration of said negroes, would redound to the permanent advantage of said widow and the four infant children of said testator, hereafter named; and that said land was devised by said testator to his widow, Polly Greenlee, during her natural life, and at her death or marriage to vest in said infant children, to-wit: William Parnell Greenlee, David Greenlee, Mary Greenlee, and John Greenlee; and to said petition said widow and children shall be made parties, by the due service of process or personal appearance thereto; and if upon the hearing of the petition, or bill and answers, &c., the court shall be satisfied by proofs taken by way of depositions, or given in open court, that a sale of said land in exoneration of said negroes will redound to the permanent advantage of said infant children, then said court shall cause said land to be sold by a Commissioner, upon such credit as the court shall deem expedient, and the application of the proceeds to the payment of said debts: *Provided*, that said sale shall not be decreed without the assent of said Polly Greenlee expressed in her answer.

SEC. 2. *Be it further enacted*, That said court shall cause a deed to be made to the purchaser of the land when the price is paid, and by the appropriate decree secure to said children their interest in the said proceeds of sale which may be left after the payment of said testator's debts.

Approved, March 1, 1842.

CHAPTER 375.

AN ACT to incorporate the Methodist Episcopal Church in the city of Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. S. Greer, James Kelly, Eli Y. Rusk, Hiram Martin, and Thomas Greer, and their successors in office, be, and they are hereby, created a body corporate and politic, under the name and style of the Trustees of the Methodist Episcopal Church in the city of Covington, and by that name and style may sue and be sued, plead and be impleaded, and take and hold any quantity of ground not exceeding four acres, and erect thereon a house of worship for the use of said Church, in all respects under the provisions of an act, entitled, an act for the benefit of Religious Societies in this Commonwealth, approved February 1st, 1814; and the office of Trustees, when vacated, shall be filled according to the disciplinary provisions of said Church.

SEC. 2. That the above mentioned Trustees be, and they are hereby, vested with full power to sell and convey the present lot of ground, with the appurtenances, belonging to said Church in said city, and that they be required to pay over the proceeds of said sale towards the erection of a new house of

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worship, in said city of Covington, for the use and benefit of the said Methodist Episcopal Church.

Approved, March 1, 1842.

CHAPTER 379.

AN ACT for the benefit of William Newton, late Sheriff of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Newton, late Sheriff of Daviess county, be allowed the further time until the second Monday in November next to return his list of delinquents for revenue tax; and that he be allowed to return his delinquent list of Muster fines for the year 1840, at the next Court of Assessment for the seventy third Regiment of Kentucky Militia.

Approved, March 2, 1842.

CHAPTER 380.

AN ACT for the benefit of Thomas J. Nolen.

WHEREAS, it appears to the present General Assembly, that Thomas J. Nolen has heretofore entered in the land office at Wadsboro' twenty four hundred and forty four acres, on island number eight, in the Mississippi river, for which the regular price was paid; and whereas, it appears that the Register was inhibited from issuing patents for the same, by an act of this General Assembly passed after said entries were made, and that the land was, under the provisions of said act, entered, surveyed and patented in the name of other individuals, thereby depriving said Nolen of any right to said land—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer for the sum of three hundred and five dollars and fifty cents, in favor of Thomas J. Nolen, and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved, March 2, 1842.

CHAPTER 381.

AN ACT for the benefit of John McDonald.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue a warrant on the Treasury of this State, in favor of John McDonald, for the sum of fifty

dollars, to be paid out of any money in the Treasury not otherwise appropriated.

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Approved, March 2, 1842.

CHAPTER 382.

AN ACT for the benefit of the Versailles Artillery Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Versailles Artillery Company to appoint a Collector from their ranks, who shall be empowered to collect all fines coming to said Company, which fines shall be subject to its exclusive control and benefit.

SEC. 2. *Be it further enacted*, That in order to assist said Company to sustain itself, the Company shall be permitted to elect honorary members, the fines of which are also for the exclusive benefit of said Company of Artillery.

SEC. 3. *Be it further enacted*, That Luther Smith, Principal of Houston Seminary, be, and he is hereby, exempted from the performance of militia duty, except in time of war to stand a draft or serve a tour of duty.

Approved, March 2, 1842.

CHAPTER 384.

AN ACT for the benefit of Jacob Rizer and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Rizer and others be, and they are hereby, released, by paying all costs, from the penalties of a bond executed to the Commonwealth of Kentucky, on the 26th day of June, 1826, for the return of sixty muskets and bayonets, and sixty sets accoutrements.

Approved, March 2, 1842.

CHAPTER 385.

AN ACT to allow additional Constables to the counties of Oldham and Nelson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Constable be allowed to the county of Oldham, to reside within the Lagrange district.

SEC. 2. *Be it further enacted*, That an additional Constable be allowed to the county of Nelson, to reside at or near Ballard's precinct in said county.

Approved, March 2, 1842.

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CHAPTER 386.

AN ACT for the benefit of Francis Graves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts shall issue his warrant on the Treasurer, in favor of Francis Graves of Green county, for twenty two dollars, being the amount of a fine improperly assessed and collected of said Graves.

Approved March 2, 1842.

CHAPTER 387.

AN ACT for the benefit of William P. C. Caldwell of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William P. C. Caldwell of Caldwell county be, and he is hereby, released and discharged from the payment of two thirds of the stock, subscribed by him to the Logan, Todd, and Christian, Turnpike Road Company: *Provided, however*, that the stockholders in said Turnpike Road Company consent to the release and discharge aforesaid.

Approved, March 2, 1842.

CHAPTER 388.

AN ACT for the benefit of the 15th Regiment of Kentucky militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commandant of the fifteenth Regiment of the Kentucky militia be, and the same is hereby, authorized to employ and pay a Color Bearer for said Regiment, to be paid out of the funds of said Regiment, not exceeding one dollar per day: *Provided*, the officers of said Regiment shall approve of said compensation, and there shall not be more than five days so compensated in any one year.

Approved, March 2, 1842.

CHAPTER 389.

AN ACT to regulate the town of Cadiz.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Cadiz shall have power to appoint a Town Sergeant, who shall hold his office during the pleasure of the Trustees, and who shall, before he enters upon the duties of his office, take an oath before some Justice of the Peace of his county, and file a certificate thereof with the Town Clerk, that he will

Town Sergeant.

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well and truly, without partiality or favor, to the best of his knowledge and ability, perform all the duties prescribed for him by law and by any ordinance of the Trustees.

SEC. 2. It shall be the duty of said Town Sergeant, with such assistants as the Trustees may, from time to time, allow him, to act as town watch or patrol; and he, with his assistants, shall be, and is hereby, invested with all the powers and shall perform the duties of a County Patrol; he shall have power to suppress all riotous and disorderly conduct, or assemblies either of white or colored persons in the streets, squares, or alleys, of said town; he shall take measures to punish, in the way designated by law, or by any ordinance of the Trustees, every violation of any ordinance of the Trustees for the preservation of order in said town, or for the security of its citizens, or of any other person; he shall have control over the streets and alleys in said town, and shall see that they are not obstructed, for a longer period than may be allowed by the Trustees, by any merchandise, boxes, timber, or other thing; he shall, at such time as the Trustees may order and direct, in every year, give to the town Treasurer a complete list of all fines and penalties for infraction of the laws and the ordinances governing the town, to recover which he may have instituted legal proceedings; and he shall do and perform any other and further duties or services which may be required by the Trustees at his hands.

Town watch.

SEC. 3. The Trustees shall, from time to time, enact all such ordinances and by-laws in relation to the streets, alleys, and public square, in said town, as they may deem expedient; they shall also enact such by-laws and ordinances providing for good order, health, and comfort, among the citizens and in the town generally; for the safety of property, the abatement or prevention of nuisances, and convenience of the public, as in their opinion may be necessary or politic: and the Trustees shall have power to extend such ordinances as they may make for the health and comfort of the citizens of said town to all the ground lying southwest of the town and north of Little river, extending from Redd's tanyard to and including J. McAllister, & Co's stemmery and all the appurtenances appertaining thereto; they shall have power to discontinue any street or alley with the consent of the owners of the lots, on such street or alley, given in writing: *Provided*, that they shall enact no ordinance or by-law, nor give any direction to, nor exact any duty from, any town officer, or other person, contrary to the constitution and laws of Kentucky or of the United States.

By-laws.

SEC. 4. The Trustees shall have power to enforce any by-law or ordinance enacted by them by annexing thereto such penalty as they may deem proper, and to enforce all fines, forfeitures, or penalties, whether imposed by law or by ordinance, as aforesaid, [under fifty dollars;] any Justice of the Peace of Trigg county shall have full jurisdiction; and all fines, for-

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feitures, and penalties, arising from an infraction of the laws and ordinances shall enure to and be for the benefit of the town of Cadiz, and be paid over; when collected, to the town Treasurer.

Further powers of trustees.

SEC. 5. It shall be lawful for the Trustees, and they are hereby invested with full power, by their ordinance, to cause the side walks on any and every street, or part of street, in said town, to be graded and paved at the cost and expense of the owners of lots fronting on said street, or part of street; they shall, in said ordinance, specify the grade, material, and width, of the side walks, and street, or part of street, on which they are to be made; and the Town Clerk shall put up copies thereof at three public places in said town; and the Trustees shall require the Town Sergeant to serve a copy thereof on any and every such lot holder, or agent, as may reside in the town of Cadiz, or county of Trigg; and the said Trustees shall be, and they are hereby, invested with ample power to sell and convey a part, or, if necessary, the whole of any lot or lots, the owner or owners of which shall fail or refuse, within the time specified by the Trustees in their ordinance, to pay the expense of such paving or grading, and the proceeds of the said sale shall be applied to the payment thereof.

Collector.

SEC. 6. The Collector shall in such case levy on the lot, lots, or part of lot, which may be owned by the person or persons failing or refusing, as aforesaid, and, after having advertised the time and place of sale at the door of the court house, and two other public places in said town, for four weeks next preceding, he shall, at the door of the court house, between the hours of 9 o'clock, A. M. and 4 o'clock, P. M., on some court day, at public auction, proceed to sell to the highest bidder, for cash in hand, so much of said lot, or lots, or part of lot, as may be necessary to pay the expense, aforesaid, and costs of sale, including six per cent. commission to himself; and he shall execute to the purchaser a certificate of sale, in which he shall accurately describe the lot, or part of lot purchased, as aforesaid, reciting the levy, advertisement and sale aforesaid, which certificate shall be *prima facie* evidence of the legality and regularity of the sale in all the courts of this Commonwealth: *Provided, however,* that the original owner or owners, by themselves, or agent, may redeem the lot, or part of lot, sold as aforesaid, at any time within one year from the date of the sale, by paying to the purchaser his purchase money with fifty per cent. interest thereon; or if the purchaser cannot be found in Trigg county, then by paying the same to the Town Clerk, who shall give his receipt therefor, and make on his list of lots sold for taxes and expenses for paving and grading, a memorandum stating said redemption and the date thereof: *And provided further,* that the owner or owners of said lot, or part of lot, sold as aforesaid, may contest the legality of said Collector's sale by suit at law, or bill in equity, in the proper court at any time within one year from the date of such sale, by

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tendering in said court to the purchaser, at any time before the trial, the purchase money, paid by said purchaser, with fifty per cent. thereon: *And provided further*, that the right of infants and *femes covert* to redeem as aforesaid, or to contest the validity of the sale as aforesaid, shall be saved for one year after their respective disabilities shall be removed, but this saving does not extend to any joint tenant, or tenant in common, not laboring under said disability.

SEC. 7. Within ten days after the sale of any lot, or part of lot, as aforesaid, the Collector shall return to the Town Clerk a true copy of the advertisement of sale, together with a correct list of the lots, or parts of lots, sold by him, the amount for which each was sold, and the name of the purchaser, both of which shall be filed away and preserved by the Clerk, who shall also copy said list in the book of the proceedings of the Board of Trustees; and both the said list and copy of advertisement, and also a certified copy of said list, shall be admitted as evidence in any suit contesting the legality of said Collector's sale.

Collector's
sales.

SEC. 8. After the lapse of one year from the date of the Collector's sale aforesaid, it shall be the duty of the Collector who made the sale, or of the Collector for the time being, on demand, (if the lot, or part of lot, sold as aforesaid, shall not have been redeemed, or the sale successfully contested,) to convey the lot, or part of lot, sold as aforesaid, to the purchaser by deed, and acknowledge the same before the Clerk of the County Court of Trigg county, and such deed shall be conclusive evidence of the validity and binding force of such sale against all persons, except infants and *femes covert*, and also against them after the saving in their favor in the sixth section of this act shall have expired: *Provided, however*, that if, at the time of demand of the deed aforesaid, any suit be pending contesting the validity of the sale, then no deed shall be made until it is determined against the party seeking to set aside the sale.

Conveyances.

SEC. 9. The Trustees shall have full power, at the expense of the town, to grade and make carriage pavement between the side walks on any street or part of street in said town; it shall be their duty to have the streets and alleys in said town kept in good order, and free from unreasonable obstructions; to prevent riotous and other disorderly conduct in said town, and to pass such police laws, and so far as they are able, to see them enforced, as will in their judgment insure the safety of property, and the order, health, peace, and happiness, of the citizens of said town; it shall be their duty to see that every officer of said town faithfully performs his duty, and upon their neglect or failure to do so, said Trustees shall have power to remove them, and each of them, and appoint others in their places.

Pavements.

Police.

Officers may
be removed.

SEC. 10. The Trustees of said town are hereby fully authorized and empowered, at such time, in every year, as they

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Town tax.

may deem best, to levy an *ad valorem* tax on all the property, real, personal, and mixed, in said town, on the first day of March in each year, including regular merchandise, (except as hereinafter provided,) not exceeding twenty five cents in the hundred dollars, to be paid by the owner of the property; and also a poll tax of not exceeding one dollar on every free white male twenty one years old and upwards, and every free colored male over sixteen years of age: *Provided, however*, in lieu of any *ad valorem* tax they may levy each year, a specific tax, not exceeding twenty dollars on each grocery or house for the sale of groceries or liquors, and on each stemmery of tobacco, or tobacco manufactory; and the trustees shall graduate said specific tax on each as nearly as may be by the amount of its business per year: *And provided further*, that all slaves hired by the year from the country, or elsewhere, and employed in town, shall be subject to the *ad valorem* tax aforesaid, which shall be paid by the person or persons in whose employment they are.

Slaves not to
go into tippling
houses.

SEC. 11. It shall not hereafter be lawful for any slave to go into any tippling house, or houses where spirituous liquors are vended by retail in the town of Cadiz, without a special permit from the person or persons entitled to the service of such slave shall for the time being, under any pretext whatever.

Penalty.

SEC. 12. If any slave shall, in violation of the eleventh section of this act, be found in any tippling house, or house where spirituous liquors are sold by the small in said town, it shall be the duty of the Town Sergeant of said town, upon discovering the fact, or upon the same being made known to him, forthwith, without warrant, to arrest such slave and carry him or her before some Justice of the Peace for Trigg county, who is required, upon proof of such slave having violated the eleventh section of this act, to order that such offender receive not less than ten nor more than twenty lashes on his or her bare back for each and every such offence, to be inflicted by the Town Sergeant, for which, such Sergeant shall be entitled to receive the sum of fifty cents for each slave so arrested and punished, to be paid by the person entitled to the services of such slave, for the time being, for which the said Sergeant may issue his fee-bill.

Penalty on
owner of house
for permitting
slaves be in
their house.

SEC. 13. If the owner or occupier of any house in said town where spirituous liquors are sold by the retail, or in quantites less than a quart, or where the same shall be drunk in said house, shall, at any time, permit or allow any slave or slaves to be and remain in such house, unless such slave be sent upon some special errand by his or her master, or employer, such owner or occupier of said house shall forfeit and pay to the use of said town any sum of money not less than five nor more than fifteen dollars for every such slave or slaves as he, she, or they, may permit to remain in his or her house contrary to the provisions of the eleventh section of this act, to be recovered by action of debt in the name of the Trustees of said

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town in any court of this Commonwealth having jurisdiction of like sums, or by information before any Justice of the Peace of said county; and it shall be the duty of the Town Sergeant, upon any violation of this section becoming known to him, either upon his own view or the information of others, forthwith, to commence legal proceedings against the person or persons, so offending, and have them dealt with according to the provisions of this section; and he shall have thirty per cent. of all sums he may recover in the name of the Trustees in such proceedings.

SEC. 14. If the Town Sergeant shall wilfully and knowingly fail to comply with any of the duties imposed on him by the eleventh, twelfth, and thirteenth, sections of this act, he shall, for every such offence, forfeit and pay for the use of said town the sum of ten dollars, to be recovered by warrant before any Justice of the Peace for said county, and shall be immediately removed from office by the Trustees.

Penalty on
town sergeant
for neglect of
duties.

SEC. 15. All laws coming within the purview of this act are hereby repealed.

SEC. 16. This act is to take effect on the first day of April, eighteen hundred and forty two.

Approved, March 3, 1842.

CHAPTER 390.

AN ACT for the benefit of William Quisenberry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William Quisenberry and his late wife, Julian Quisenberry, is forever dissolved, so far as relates to the said William, and he is hereby restored to all the rights and privileges of an unmarried man.

Approved, March 3, 1842.

CHAPTER 392.

AN ACT for the divorce of Jefferson A. Murray.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jefferson A. Murray and Louisa Murray be, and the same is hereby, dissolved, so far as respects the said Jefferson, and that he be restored to all the rights and privileges of an unmarried man.

Approved, March 3, 1842.

CHAPTER 396.

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AN ACT for the divorce and change of name of Amanda Skeeters, and to divorce Jackson Howerton and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Amanda Skeeters and William R. Skeeters be, and the same is, forever dissolved, so far as relates to the said Amanda, who is hereby restored to all the rights and privileges of an unmarried woman, and to her maiden name of Amanda Fryrear.

SEC. 2. *Be it further enacted,* That the marriage contract between Jackson Howerton and his wife, Nancy, be, and the same is hereby, declared void and of no effect, and that they be restored to all the rights of single persons, and the said Nancy be restored to her maiden name of Nancy Furguson.

Approved, March 3, 1842.

CHAPTER 398.

AN ACT for the benefit of William B. Moore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, directed to issue his warrant on the Treasurer for forty seven dollars and seventy five cents, in favor of William B. Moore, for services rendered by him as Commonwealth's Attorney, and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1842.

CHAPTER 399.

AN ACT for the benefit of the heirs of William Guyton, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for George W. Tarlton, administrator of the estate and guardian of the children of William Guyton, deceased, to file a bill in chancery, in the Scott Circuit Court, making the heirs of said Guyton defendants, and setting forth in substance that it would redound to the benefit and advantage of said heirs to sell a slave belonging to the estate of said Guyton, and purchase another. And said court shall have full power, if deemed by it expedient or necessary, to decree a sale of said slave and invest the proceeds thereof in the purchase of another, to appoint a Commissioner to execute a bill of sale for said slave; and shall have full power to do all acts that may be necessary and proper to carry into effect the provisions of this act.

Approved, March 3, 1842.

CHAPTER 400.

AN ACT for the benefit of S. Camron and others.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bond executed to the Commonwealth of Kentucky by Samuel T. Beall, Stephen Camron, Samuel H. Hahn, and John McIsaac, dated third June, eighteen hundred and thirty one, for the return of fifty stand of Cavalry arms, and upon which suit has been instituted in the General Court, be, and the same is hereby, declared null and void.

Approved, March 3, 1842.

CHAPTER 401.

AN ACT for the divorce and change of name of Elizabeth Pryor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Elizabeth Pryor and John Pryor be, and the same is, forever dissolved, so far as relates to the said Elizabeth Pryor, and she is hereby restored to all the rights and privileges of an unmarried woman, and to her former name of Elizabeth Bell.

Approved, March 3, 1842.

CHAPTER 402.

AN ACT for the divorce of John Skillman and William Fenwick.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between John Skillman and Polly Skillman, his wife, be, and the same is, forever dissolved, so far as relates to the said John Skillman, and he is hereby restored to all the rights and privileges of an unmarried man.

SEC. 2. *Be it further enacted,* That the marriage contract now existing between William Fenwick and Margaret Fenwick be, and the same is hereby, dissolved, so far as relates to said William Fenwick, and that he be restored to all the rights and privileges of an unmarried man.

Approved, March 3, 1842.

CHAPTER 403.

AN ACT to change the name of the Boone Academy, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Boone county Academy shall hereafter be known and called by the name of "The Morgan Academy," in memory and honor of Allan Morgan, late of Boone county, deceased; and the officers of said in-

Name changed to that of Morgan.

1842

Estate of A.
Morgan vested
in trustees of.

Treasurer to
be appointed—
his powers and
duties, & bond
to be given.

Treas'r may
loan money,
&c.

County court
of Boone to
cause adm'r of
Morgan to set-
tle, &c. Rights
of creditors &
heirs reserved.

Reservation.

stitution shall be the same as heretofore, and have all the powers, privileges and immunities as provided by the laws in relation thereto.

SEC. 2. That the Commonwealth of Kentucky hereby releases and transfers to the Morgan Academy all right and title to the estate, real and personal, slaves included, which were of the estate of the said Allan Morgan at the time of his decease, and who it is represented died without heirs, to be held and applied by the Trustees of said Academy to the purposes of education, and for no other purpose. The Trustees of said Academy shall appoint a Treasurer, who shall hold his appointment at the pleasure of the Trustees, and shall take an oath faithfully and honestly to discharge his duties as such Treasurer; and shall execute bond, with two or more freehold securities, to be approved of by the County Court, payable to the Commonwealth of Kentucky, conditioned faithfully to preserve the property, rights and credits, moneys and effects of the Morgan Academy; and that he will apply, deliver and pay said property, moneys, and effects, as required by the Trustees of said Academy; and that when he shall cease to be such Treasurer he will, on request, deliver to his successor, or the Trustees of said Academy, all the books, papers, property, rights, credits and effects which belong to said Morgan Academy, or the Trustees thereof. That said Treasurer shall have power, under the order of the Board of Trustees, to sell the property of said Academy, on such terms as the Trustees may prescribe, and shall be authorized to loan the moneys on such terms, as to time and security, whether by mortgage or otherwise, or vest the same in State Bonds, as the Trustees may direct. That the County Court of Boone county shall cause the administrator *de bonis non* of the estate of the said Morgan, to make settlement of said estate; and that said administrator deliver over to the Treasurer, provided for herein, all the property, money and effects belonging to the estate of said Allan Morgan: *Provided, however*, that the said property and effects shall be held subject to the demands of any creditor of said Morgan, and subject to any claim of his heirs or distributees, should any appear.

SEC. 3. *Be it further enacted*, That the right of repealing, altering or modifying this act is reserved.

Approved, March 3, 1842.

CHAPTER 408.

AN ACT for the benefit of L. B. Stoughton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, required to draw his warrant on the Treasurer in favor of L. B. Stoughton for five thousand dollars, to be

paid out of the Internal Improvement Fund, and the Governor is directed to place that amount of Bonds in the Treasury for that purpose.

1842

Approved, March 3, 1842.

CHAPTER 409.

AN ACT for the benefit of John and Jacob McGlossin, contractors on the Owingsville and Big Sandy Turnpike Road.

WHEREAS, it has been represented to the General Assembly that John and Jacob McGlossin have erected a bridge which has been received, and is now used, by the President and Directors of the Owingsville and Big Sandy road, across the byou on the second division of said road; and that said contractors were to be paid, under said contract, the amount which Samuel Hitchman, Engineer (at that time) on said road, should estimate said bridge at; and that said contractors have been paid for said work the sum of twenty dollars only—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement are hereby authorized to make an equitable adjustment of the claim of said McGlossins, and that said parties shall be paid the amount which, under said contract, it shall appear is due them for said work, out of the money appropriated by an act of this Legislature to pay the several contractors on the rivers and turnpike roads of this Commonwealth, for the year 1842.

Approved, March 3, 1842.

CHAPTER 412.

AN ACT to dissolve the marriage contract between James M. Stephens and Susan Jane Stephens, and to divorce Elizabeth Swim.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract entered into between James M. Stephens and Susan Jane Stephens be, and the same is hereby, dissolved, and they are each restored to the rights of unmarried persons.

SEC. 2. *Be it further enacted*, That Elizabeth Swim be divorced from her husband, Daniel Swim, and that the marriage contract be dissolved so far as relates to the said Elizabeth.

Approved, March 3, 1842.

CHAPTER 413.

1842

AN ACT to incorporate the Trustees of the Moscow Seminary, and for other purposes.

Corporators
names, & cor-
porate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Solomon Neville, William C. Ashburn, Thomas Harper, Samuel P. McFall, and Robert N. Lewis, and their successors in office, shall be, and they are hereby, constituted a body politic and corporate, to be known by the name and style of the Trustees of "the Moscow Seminary"; and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; and they may make such by-laws, rules and regulations, for the government of said Seminary, as they may deem expedient and proper: *Provided*, they be not contrary to the laws and constitution of this State; three of said Trustees shall form a quorum or board to transact any business which they are hereby authorized to do, a majority concurring therein; they shall have power to appoint some one of their own body as President of their Board, and in the absence of said President, may appoint a President *pro tem.*, whose duty it shall be to preside at all meetings of said Trustees as President of said Board; they may also appoint, from time to time, a Treasurer, Clerk, and such other officers as they shall deem necessary and proper; they shall have power to appoint a Principal Professor, or Teacher, and such Assistant Teachers, or Professors, as they may, from time to time, deem necessary; they shall keep a fair record of their proceedings; and should any of the Trustees, hereby appointed, fail or refuse to act, or should the office of Trustee at any time become vacant, from any cause whatever, a majority of those remaining in office and concurring therein shall have power to fill such vacancy.

President &
treasurer, &c.,
to be appointed.

Professors,
&c., to be appointed.

May purchase
and hold prop-
erty, &c.

Need not
have a seal, &
how acts may
be authenticated.

SEC. 2. That the corporation hereby created shall have full power to acquire and hold by purchase, devise, or otherwise, all such lands, tenements, and hereditaments, money, or other property, as said Trustees may think proper to purchase, or such as may be given, devised, or bequeathed, to them for the use and benefit of said Seminary, at such time and in such proportions as they may deem just and proper; it shall not be necessary for said corporation to procure a common seal, all its corporate acts shall be manifested and made known by the signature and private seal of the President affixed to the contract or writing executed, or by some entry, minute, or memorandum, made on the record of the proceedings of said corporation; and all contracts, deeds, writings, and conveyances, made and entered into in the name of the Trustees of the Moscow Seminary, and signed by the President thereof, in his official capacity, in manner as aforesaid, shall be as valid and effectual in law as if the corporation had a common seal, and the same was affixed in due form to said contract, deed, writing, or conveyance. The Legislature hereby reserves the right to alter, amend, or repeal, this charter.

[**SEC. —.** That the County Court of Hickman county shall be vested with full power to appropriate to said Trustees, for the use and benefit of said Seminary, twelve quarter sections of the land, or the proceeds thereof, which was donated to said county by the provisions of an act, entitled, an act appropriating a portion of the vacant lands in the district of country west of the Tennessee river for the purposes of education, approved, January 13th, 1834; and said court may appoint an agent to make sale of and convey the same, and any sale and conveyance made by such agent of the land aforesaid, are hereby declared legal and valid.]

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County court of Hickman may appropriate lands to.

SEC. 3. That the Trustees aforesaid are hereby invested with power to sell the Seminary and lot of ground, in said town of Moscow, adjoining the tobacco stemmery: *Provided*, the amount of such sale be applied to the purchase of another lot of ground and buildings under the provisions of this act.

May sell old Seminary lot, &c.

SEC. 4. The Legislature hereby reserves the power to repeal, alter, or modify, this act.

SEC. 5. *Be it further enacted*, That the County Court of Hickman shall not nominate any Constable or Justice of the Peace in place of those stricken off in the county of Ballard; and that the number of Constables and Justices of the Peace for Hickman county are hereby reduced to the number now in commission in the bounds of said county.

Number of Justices, &c., in Hickman to be reduced.

Approved, March 3, 1842.

CHAPTER 416.

AN ACT to establish an election precinct in the county of Lawrence, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the precinct at Kenton's Fork of Blane, in Lawrence county, be abolished; and that the place of voting at Sweatman's precinct be changed to the house of William Walter's, on Blane, in said county.

SEC. 2. *Be it further enacted*, That the place of voting in the election precinct on Sugartree Run, in the county of Breckinridge, be, and the same is hereby, changed from Leonard Cart's, the place where it is now held, to Peter W. Johnson's, and that the said election, in future, to be held at the said Peter W. Johnson's.

Approved, March 3, 1842.

CHAPTER 418.

AN ACT for the benefit of the German Lutheran Community of Lexington.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the Trustees of the Ger-

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man Lutheran Church, in Lexington, are the owners, by purchase, of a lot in the city of Lexington on the southwest side of High street, being the same conveyed to them by Edward West by deed, of record in the Fayette County Court Clerk's office, which lot was dedicated by said German Lutheran Church as a grave yard for their community, and as a place for the erection of houses of worship, and a school house; and said church and community being unable to erect any house of worship, the said Trustees have demised said lot to the Trustees of the Methodist Episcopal Church of Lexington for ninety nine years, renewable forever, for the purpose of erecting thereon a house of worship for the use of the Methodist Episcopal Church and the German Lutheran Church, and for the further purpose of taking care of said grave yard, as by the lease of record in the Fayette County Court Clerk's office will more fully appear: and, whereas, also the members of said German Lutheran Church, and the widows and children of all the original members who assisted and contributed to the purchase and repair of said lot, in or about Lexington, have petitioned the said General Assembly for the passage of an act confirming said lease—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George A. Webber and John Keiser, surviving Trustees of said German Lutheran Church, be, and they are hereby, authorized to execute a deed to the Trustees of the Methodist Episcopal Church of Lexington, confirming said lease by them heretofore made, and of record as aforesaid in the Fayette County Court Clerk's office, which deed of confirmation shall contain a special clause whereby the widows and children of all the original contributors to the purchase and repair of said lot shall be permitted to be buried in said lot.

Approved, March 3, 1842.

CHAPTER 425.

AN ACT for the benefit of Pryor Sandford and wife, and for other purposes.

WHEREAS, it is represented unto this General Assembly, that Pryor Sandford, of the county of Henry, intermarried with Sarah Ann Dawson, and that the said Sarah Ann is under the age of twenty one years: and, whereas, the said Pryor Sandford sold sixty three acres of land, which descended to the said Sarah Ann from her father, to one Abraham Smith, and executed his bond for a conveyance thereof when the first payment of the purchase money becomes due and payable: and, whereas, the said Smith withholds the purchase money in consequence of the infancy of the said Sarah Ann, and may hereafter hold the same—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any conveyance the said Pryor Sandford

and wife may make to the said Smith for said land, shall be as effectual to pass the title of the said Sandford and wife to the same as if the said Sarah Sandford were twenty one years of age.

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Approved, March 3, 1842.

CHAPTER 426.

AN ACT for the divorce of Susan Wright, and to restore her former name.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Stephen Wright and Susan Wright be, and the same is hereby, dissolved, so far as respects the said Susan, and she is hereby restored to all the rights and privileges of an unmarried woman, and that she be restored to her maiden name, Susan Pile.

Approved, March 3, 1842.

CHAPTER 429.

AN ACT to re-establish the town of Portland.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Portland, as established by an act, entitled, "an act to establish the town of Portland, and for other purposes," approved, February 24th, 1834, shall be, and the same is hereby, detached from the city of Louisville; and the said town shall be, and the same is hereby, erected into a separate corporation, to be known and called "the town of Portland;" and by that name may sue and be sued, and exercise all the powers, rights, and privileges, which to a town usually belong, according to the laws of this Commonwealth.

Detached from Louisville and made a separate corporation.

SEC. 2. *Be it further enacted,* That the prudential and municipal concerns of said town shall be under the control of a Board of seven Trustees, who shall elect one of their body Chairman to preside at all meetings of the Board, and sign their proceedings and orders; and four of whom shall constitute a quorum for ordinary business; but in levying taxes or appropriating money, five shall concur; which said Board shall have full power to appoint all officers they may deem necessary, and to fix their compensation, and prescribe their duties, and to take bond and security in such amounts as they may deem expedient, payable to the Commonwealth of Kentucky, with such conditions as said Board may prescribe, and which bond may be sued on for the use and at the cost of the town of Portland; and said Board shall have the same power and right to assess, levy, and collect, taxes on the persons, property, rights, and privileges, within the limits of the said town of Portland which are now given by law to the city of

Trustees to be appointed, their powers & duties.

May levy & collect taxes, make by-laws, &c., and enforce the same.

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City court of Louisville to retain its jurisdiction, and marshal, &c., to continue their duties.

How fines to be applied.

Trustees appointed, tenure of office, and when elections to be held.

Property, &c. vested in Portland which was vested in Louisville in limits of Portland.

Louisville; and said Board shall have full power to make all by-laws and ordinances for the good government and improvement of said town, not inconsistent with the constitution and laws of this State, and to enforce the same by suitable penalties not to exceed ten dollars; and they shall have power to grant licenses to retail spirits, provided that they shall, in no case, grant such license for a less sum than one hundred dollars. And the Justices of the Peace for the county of Jefferson shall have exclusive jurisdiction of all cases arising under the by-laws and ordinances of said town. That the jurisdiction of the City Court of Louisville shall continue over Portland, except in cases under the municipal regulations of said town, nor shall the Trustees of said town license or permit any practice, or establishment, interdicted by the ordinances of the city of Louisville; and the Marshal of the city of Louisville and his deputies, and the Police officers and Watchmen, of said city, shall each have the same power and authority in Portland that they have or shall have in Louisville; all fines assessed in said court against the citizens of Portland shall be applied as other fines therein; they shall assess and collect a town tax for 1842.

SEC. 3. *Be it further enacted*, That Willard Arnold, Nicholas E. Lanning, Jacob W. Earick, John Millet, George F. Pope, William Bradley, and Paul Danelli, shall be, and they are hereby, appointed Trustees of said town, who shall hold their offices until the first Monday in July next, and till their successors shall be duly elected and qualified. And that on the first Monday in July in every year, and at such place in said town as the Trustees shall appoint for that purpose, an election shall be held for seven Trustees, to act for one year, and until their successors shall be duly elected and qualified, which elections shall be held by two of the Trustees and the Clerk, who shall act as officers in conducting said election; and the return of the persons elected shall be made by the officers conducting such election, and be noted on the records of the town; and the Trustees so elected shall, thereupon, enter upon the discharge of their duties; and in conducting such elections every free white male inhabitant of said town who may have resided in said town for one year next preceding such election, and who shall have arrived at the age of twenty one years, shall be entitled to a vote.

SEC. 4. *Be it further enacted*, That all the property and rights of property, within the boundaries aforesaid, which belonged to and was vested in the Trustees of the town of Portland before the town of Portland was annexed to the city of Louisville and which now are vested in the city of Louisville, shall be, and the same are hereby, taken from the city of Louisville, and by operation of this act, transferred to and invested in said Trustees and their successors; and the streets and alleys of said town shall be vested in said Trustees, who shall have a right to grade and pave the same at the expense of the

property holders fronting thereon: *Provided*, that no square shall be graded or paved unless a majority of the property holders, fronting the same, shall request it in writing; and the Trustees, aforesaid, and their successors, shall have power by their Collector to sell any of the real estate in said town, or so much thereof as may be necessary to raise the sum due for default in paying taxes due thereon, or for default in paying any assessment thereon made by said Trustees for grading or paving streets in front of the same and for the costs of sale: *Provided*, that there is not enough of personal property upon such lot, or part of lot, to pay the sum due: *And, provided, moreover*, that public notice of the time and place of such sale shall be given by advertisement, posted at the most public places in said town, and printed in some public newspaper published in Louisville at least one month prior to such sale; which notice shall describe the lot, or part of lot, so to be sold, and state the amount due thereon, and the name of the owner if known to the Collector; and whenever the Collector shall make an affidavit before a Justice of the Peace that there is not enough of personal property upon such lot to pay the tax or assessment due thereon, and that he upon enquiry has not been able to ascertain the owner and shall file such affidavit with the Clerk of the Trustees, then such lot, or part of lot, shall be advertised by its number, "owner unknown." And after any such sale the owner shall be allowed to redeem within two years by paying the amount for which such property may have been sold, and interest thereon at the rate of thirty per cent. per year, and all after taxes; and that infants and *femes covert* shall be allowed two years to redeem after the time such disability shall be removed; and that all deeds for property, so sold, shall be made by the Trustees, or a majority of them, upon the return of the Collector, which return shall, in all cases, be spread upon the records of the Trustees.

SEC. 5. *Be it further enacted*, That the town of Portland shall constitute an election precinct of the county of Jefferson; and that all general elections shall be held at the house now occupied by Paul Danelli, or at such other place in said town as the Jefferson County Court shall designate.

SEC. 6. *Be it further enacted*, That the Trustees of said town shall have power to appoint Police officers for said town, and to keep the harbor clear and to regulate the same, and to regulate the public wharves of said town. The right to locate and erect the railroad to the wharf in Portland, as given by the city of Louisville, is reserved to the State.

SEC. 7. *Be it further enacted*, That all and every suit, or suits, which may now be pending in the Jefferson Circuit Court, or the Louisville Chancery Court, in the name of the city of Louisville, to recover any real estate, or public property, or any right, or privilege, or franchise, or easement, within the town of Portland, may be prosecuted to final decree, or judgment, for the benefit of the town of Portland,

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Manner of
grading & paving
streets, &c.
and how cost
thereof shall be
paid.

To constitute
an election pre-
cinct.

Trustees to
appoint police
officers.

Suits for prop-
erty now pen-
ding may be
prosecuted in
Louisville city
court.

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and shall not abate or be dismissed because of the transfer made by this act: *Provided*, that the Trustees shall, within six months, from the passage of this act, enter the appearance of the town of Portland, and pray that such suit may be prosecuted for the benefit and at the cost of the Trustees of Portland; and no suit shall be compromised so as to recognize the ground, fronting on the river, as belonging to individuals, but the same shall be prosecuted to final judgment, or decree, by the authorities of Portland.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved, March 3, 1842.

RESOLUTIONS.

No. 1.

PREAMBLE AND RESOLUTIONS in relation to American citizens captured by Mexico.

1842

WHEREAS, it appears from authentic information, that citizens of the United States, with passports from their Government, duly authenticated, in going from Texas to Santa Fe, with legitimate and peaceful intentions, offering no resistance, have been arrested by a military force of Mexicans, a portion put to death in the most perfidious manner, whilst others, put in manacles, were without any regard to the usages even amongst civilized nations on the universally received principles of humanity, having been first divested of their shoes and clothing, and driven, rather as beasts than human beings, from the place of their capture to the city of Mexico, a distance of many hundred miles, by a soldiery cruel, relentless, and unrestrained; and when there, their life, their death, or what is worse than death—protracted bondage in chains—at the mere will of a military dictator; and to give a deeper interest, if possible, for the fate of our unfortunate countrymen, the fact is said to exist that a citizen of Kentucky, a mere youth of seventeen, is one of the wretched captives: and, whereas, protection is due to all and every, the humblest citizen of the Republic, whether at home or abroad—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Government of the United States owes it to itself, as well as to those unfortunate citizens, to use the most prompt, vigorous and efficient means to restore to liberty and their country those men, and to vindicate to Mexico and the world, the proud declaration that American citizenship is a shield against wrong and oppression throughout the globe.

Be it further resolved, That Kentucky will sustain, in any manner which shall be deemed necessary, with her full strength, the most energetic action of the General Government, to right the wrong both individual and national.

Resolved, further, That in the opinion of this Legislature, it is the duty of the Government of the United States to demand and require of the Government of Mexico, in the future progress of the war with Texas, to observe the usages of civilized nations in the treatment of prisoners.

Be it further resolved, That the Governor be requested to send a copy of the foregoing preamble and resolutions to the President of the United States, and to each of our Senators and Representatives in Congress.

Approved, January 6, 1842.

No. 2.

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PREAMBLE AND RESOLUTIONS concerning the repudiation of State debts.

WHEREAS, the question of the repudiation of State debts has recently been entertained, to some extent, in different sections of the Union, and has become a subject of discussion in the public journals; and, whereas, by reason thereof, the credit of States, even those in which the idea of the repudiation of debts is itself discountenanced and repudiated, may suffer unjustly in the estimation of the citizens of foreign nations, with which this country holds relations of amity and extensive commercial intercourse, whose continued confidence it should be our pride, as it is our duty, as a free and independent State to maintain—therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That it is the high and sacred duty of a sovereign State to observe the obligations of good faith in all her engagements, not only with her own citizens, but equally and alike with those of other States and countries.

2. *Resolved*, That the desperate expedient of throwing off State obligations in any case, by failing to provide, as far as possible, for the prompt payment of public debts and liabilities, contracted under the authority of law, is abhorrent both to the government and the people of this Commonwealth, and can never directly or indirectly receive the countenance of either; that such conduct would be unworthy the enlightened age in which we live, shocking to the sense of Christendom, a lasting reproach to republican government, and a stain on the American name.

3. *Resolved*, That copies of the foregoing preamble and resolutions be transmitted by the Governor to the President of the United States, the Executive of the several States, and our Senators and Representatives in Congress.

Approved, January 14, 1842.

No. 3.

RESOLUTIONS concerning the soldiers of the Revolution.

WHEREAS, the period is not distant when the last of the soldiers of the ever glorious revolution, which brought liberty and independence to our Heaven-favored America, will have descended to the tomb of the free and the brave; and, whereas, suitably to mark the event when it shall have transpired, as an era in the history of the country, by a national solemnization in memory and honor of the venerated patriot band, will become the mournful yet pleasing and grateful task of the whole American people—therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That our Senators and Representatives in Congress be requested to introduce and procure the adoption of

resolutions by that body: 1st. Requiring the Secretary of War to take the requisite steps to ascertain the number, names, and residences of all the surviving soldiers of the revolution, of whatever rank; to enquire after and note the time of their decease, and when the last individual of the number shall have past away from amongst us, to report the fact to the President of the United States. And, 2d. Requesting the President, thereupon, to issue his proclamation fixing a day, and prescribing the manner in which a grateful people may do honor to the memory and character of the immortal heroes and patriots, collectively, by whose toils and valour the boon of freedom is inherited.

2. *Resolved*, that copies of this preamble and resolutions be transmitted by the Governor to the President of the United States, the Governors of the several States and Territories, and our Senators and Representatives in Congress.

Approved, January 14, 1842.

No. 4.

A RESOLUTION to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University and the Lunatic Asylum, and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

Approved, January 14, 1842.

No. 5.

A RESOLUTION to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and he is hereby, authorized to deliver to the Kentucky Historical Society, such books and documents sent to his office by Congress, for Colleges which have no existence, to be kept by said Society accessible to the examination of any citizen of this Commonwealth.

Approved, January 14, 1842.

RESOLUTIONS.

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No. 6.

A RESOLUTION fixing a day for the election of public officers.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both Houses, on Saturday, the 22d instant, proceed to the election of a Treasurer, Public Printer, Librarian, and President and Directors of the Bank of the Commonwealth.

Approved, January 20, 1842.

No. 7.

A RESOLUTION to place a tomb over the grave of John Adair, late Governor of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to cause a suitable tomb to be erected over the grave of General John Adair, late Governor of Kentucky.

Approved, January 20, 1842.

No. 8.

PREAMBLE AND RESOLUTIONS on the subject of the spurious issue of stock of the Bank of Kentucky by the Schuylkill Bank.

WHEREAS, in the year 1835, the Bank of Kentucky did constitute the Schuylkill Bank, at Philadelphia, its agent for the transfer of the stock of said Bank, in the said city, and during such agency, as is represented to this General Assembly, the said Schuylkill Bank did issue a large amount of spurious and false certificates of said stock, for her own emolument, as it is alleged, and in fraud of all persons into whose hands said false and spurious certificates, or certificates renewed thereon, should come, and in fraud of the said Bank of Kentucky: and, whereas, it is thought that the Bank of Kentucky may be rendered liable, in law or equity, to the holders of such spurious certificates of stock, or that she may be subjected to much annoying litigation on account thereof; and it is desirable that justice should be rendered to said Bank as well as to the persons who may innocently hold such certificates; and it is represented that although a suit was instituted in a court of Pennsylvania, long since, by the Bank of Kentucky, against the Schuylkill Bank, to have remedy for said fraud, the effectual remedy demanded by justice cannot be had, because the courts of Pennsylvania do not, from their organization, possess the power necessary for a case so complicated and so novel in its character—wherefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That the General Assembly of the Common-

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wealth of Pennsylvania be requested to pass such a law as shall authorize the proper tribunal of that Commonwealth to entertain jurisdiction of such a form of suit as shall be necessary to redress this great wrong, both on behalf of the Bank of Kentucky, and the innocent holders of said certificates; and that said tribunal may be authorized to grant all needful restraining orders against said Schuylkill Bank, and have its effects, books and papers attached and held subject to the order of said tribunal, if to justice it shall be necessary; and in making this request, Kentucky does respectfully appeal to the justice of Pennsylvania.

2. *Resolved*, That his Excellency, the Governor, be requested to transmit a transcript hereof to his Excellency, the Governor of Pennsylvania, together with a printed report of the President and Directors of the Bank of Kentucky, on the subject of their demand against the Schuylkill Bank, with a request that he will lay the same before the General Assembly of Pennsylvania.

Approved, January 24, 1842.

No. 9.

PREAMBLE AND RESOLUTIONS in relation to Water-Rotted Hemp.

WHEREAS, the General Government has manifested a disposition to encourage the culture of hemp, by giving a preference to American water-rotted hemp for the use of the Navy; and, whereas, Kentucky is deeply interested in the production of that article, it forming one of her principal staples—therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That our Senators and Representatives in Congress be, and they are hereby, requested to use their best exertions to have an agency established at some convenient point or points, in this State, for the inspection and manufacture of water-rotted hemp, intended for the use of the Navy of the United States.

2. *Resolved*, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved, January 24, 1842.

No. 10.

A RESOLUTION to appoint a committee to settle the accounts of the Board of Green and Barren river Commissioners.

Resolved, That a joint committee of one from the Senate, and two from the House of Representatives, be appointed to settle the accounts of the Board of Green and Barren river Commissioners. That they be authorized to receive the books

1842 and papers from the Secretary of said Board, and in conjunction with the Board of Internal Improvement, to examine the same, and report whether said examination shall prove satisfactory or not. They shall also examine into and report the date of the resignation of James R. Skiles, as President of said Green river Board, and what action was had upon his letter of resignation by the Board of Internal Improvement. They shall also report the nature and extent of their duties and responsibilities, and whether the same have been faithfully discharged, or otherwise; and if satisfactory, report a bill cancelling the official bonds of the members of said Board executed and filed in the Ohio County Court Clerk's office. They shall also report the amount of compensation received by each member, and whether any further compensation be due to either or any of the members of said Board, and report by bill or otherwise.

Approved, January 31, 1842.

No. 11.

PREAMBLE AND RESOLUTION in relation to the settlement of the accounts of the Green and Barren river Commissioners.

WHEREAS, the expiration of the term of service of the Board of Internal Improvement, during the sitting of the joint committee appointed to settle the accounts of the Green and Barren river Commissioners, has produced a difficulty in making their report—wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee be, and they are hereby, authorized to complete the investigation and report the result.

Approved, February 23, 1842.

No. 12.

RESOLUTION in relation to tolls charged at the Locks.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be directed to make an equitable reduction in the tolls charged on flat boats, at the various locks on Licking, Kentucky, Green and Barren rivers, which descend from points so far above the influence of slack water navigation, as to be but little benefited by said improvements.

Approved, February 24, 1842.

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No. 13.

A RESOLUTION fixing a day to elect a Senator in Congress.

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Resolved by the Senate and House of Representatives, That they will proceed on Friday next, at three o'clock, to the election of a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the honorable Henry Clay.

Approved, February 25, 1842.

No. 14.

A RESOLUTION relative to the duties of the Public Printer.

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Public Printer to compare his proof sheets of the Acts and Resolutions with the enrolled bills in the office of the Secretary of State, and make the same conform to the enrolled bills.

Approved, February 25, 1842.

No. 15.

RESOLUTIONS in relation to amendments of the Constitution of the United States.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the constitution of the United States ought to be amended:

1st. That the President shall not be eligible for two consecutive terms. And whenever the office of President shall become vacant from any cause whatever, the Vice President or other person filling the office of President for the remainder of the term, shall be ineligible for the next Presidential term.

2d. That the power of the President to appoint members of Congress to stations of honor, trust or profit, under the General Government, ought to be restrained.

3d. That the power of the President to remove from office shall be confined to the heads departments, and those employed in foreign service; but that for cause assigned, he may suspend any officer until the Senate may advise for or against his removal.

4th. That the veto power of the President be so modified as materially to diminish the mischievous influence now exercised by that officer over the legislation of the country by means of said power.

5th. That the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Executives of the several

RESOLUTIONS.

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States, and that the Executives be respectfully requested to lay said resolutions before their respective Legislatures.

Approved, February 25, 1842.

No. 16.

RESOLUTION in relation to the removal of the steam boat New Argo.

Resolved by the General Assembly of the Commonwealth of Kentucky, That his Excellency, the Governor of this Commonwealth, be requested to select some discreet person to carry into effect an act passed concerning the removal, from the Kentucky river, the steam boat New Argo, so far as relates to the removal of said steam boat, and that he cause the same to be removed forthwith.

Approved, February 28, 1842.

No. 17.

PREAMBLE AND RESOLUTIONS in relation to the navigation of the western rivers.

WHEREAS, the people of Kentucky are greatly interested in the commerce of the western waters, and the removal of the obstructions in the same, which are already dangerous to navigation, and daily increasing; and whereas, an appropriation by the General Government to have said obstructions removed, is indispensably required—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to urge upon that body the necessary appropriation for this object, and also for the adoption of such other measures as the interests of western commerce may require.

Resolved further, That the Governor be required to forward a copy of the foregoing preamble and resolutions to each of the Senators and members of Congress from the State of Kentucky.

Approved, March 2, 1842.

No. 18.

PREAMBLE AND RESOLUTION in relation to the establishment of an Armory in the West.

WHEREAS, the Congress of the United States, at the late extra session, made an appropriation of \$5,000 to defray the expenses of a commission to select a site for a Western Armory: and whereas, it is understood that Commissioners are now engaged in the duty contemplated, and that it is expect-

ed they will visit Kentucky, to examine the advantages of her water power previous to making their report—therefore,

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Resolved by the General Assembly of the Commonwealth of Kentucky, That the said Commissioners be invited to visit Kentucky with a view to examine the water power belonging to the State, and that the Governor be directed to tender to the United States the use of such water power for the purposes of a National Army.

Approved, March 2, 1842.

No. 19.

RESOLUTIONS in relation to the duties of Superintendent of Public Instruction; and the printing and distribution of the School Acts.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of Public Instruction be directed to report to the next General Assembly,

I. Upon the expediency of organizing a profession of Teachers, analagous to the other learned professions.

II. Upon the expediency of elevating the condition of the Common Schools, or at least a portion of them, under certain conditions, so that they may furnish a thorough English education, including the sciences connected with agriculture; and if he deem such a result practicable, to prepare and digest a plan by which it may be obtained.

III. Upon the acknowledged evils connected with the school systems of other States, and the means by which said evils may be avoided in this Commonwealth.

Be it further resolved, That the Public Printer be directed to print, in a pamphlet form, a sufficient number of copies of the law establishing Common Schools in this Commonwealth, together with all amendments thereto, to furnish one copy to each member of the Legislature, and the Clerks of the Circuit and County Courts, to be distributed with the Acts and Journals.

Approved, March 3, 1842.

No. 20.

PREAMBLE AND RESOLUTIONS in relation to the duty imposed on Tobacco by France and England.

WHEREAS, the Legislature of Kentucky are duly sensible of the growing importance of our tobacco trade, and that Foreign Governments still continue to exact unjust and enormous duties on that article—therefore,

Resolved, That our Senators and Representatives in Congress be earnestly requested to urge a restrictive duty on French and English importations, corresponding with the duty imposed by the French and British Governments on tobacco of American growth.

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Resolved, That the Governor of this Commonwealth be requested to forward a copy of the foregoing resolutions to his Excellency, the President of the United States, and to each of our Senators and Representatives in Congress.

Approved, March 3, 1842.

No. 21.

RESOLUTIONS concerning unsettled claims for work done on Internal Improvement.

Resolved by the General Assembly of the Commonwealth of Kentucky. That all persons having unsettled claims for work and labor done on the works of Internal Improvement, shall present the same to the Board of Internal Improvement, with the vouchers or evidence to support the same, on or before the first day of November next, who shall examine the same, and report the said claims, and their opinions as to the justice of each, to the next Legislature.

Resolved, That the said Board shall make their report during the second week of the next session of the General Assembly.

Approved, March 3, 1842.

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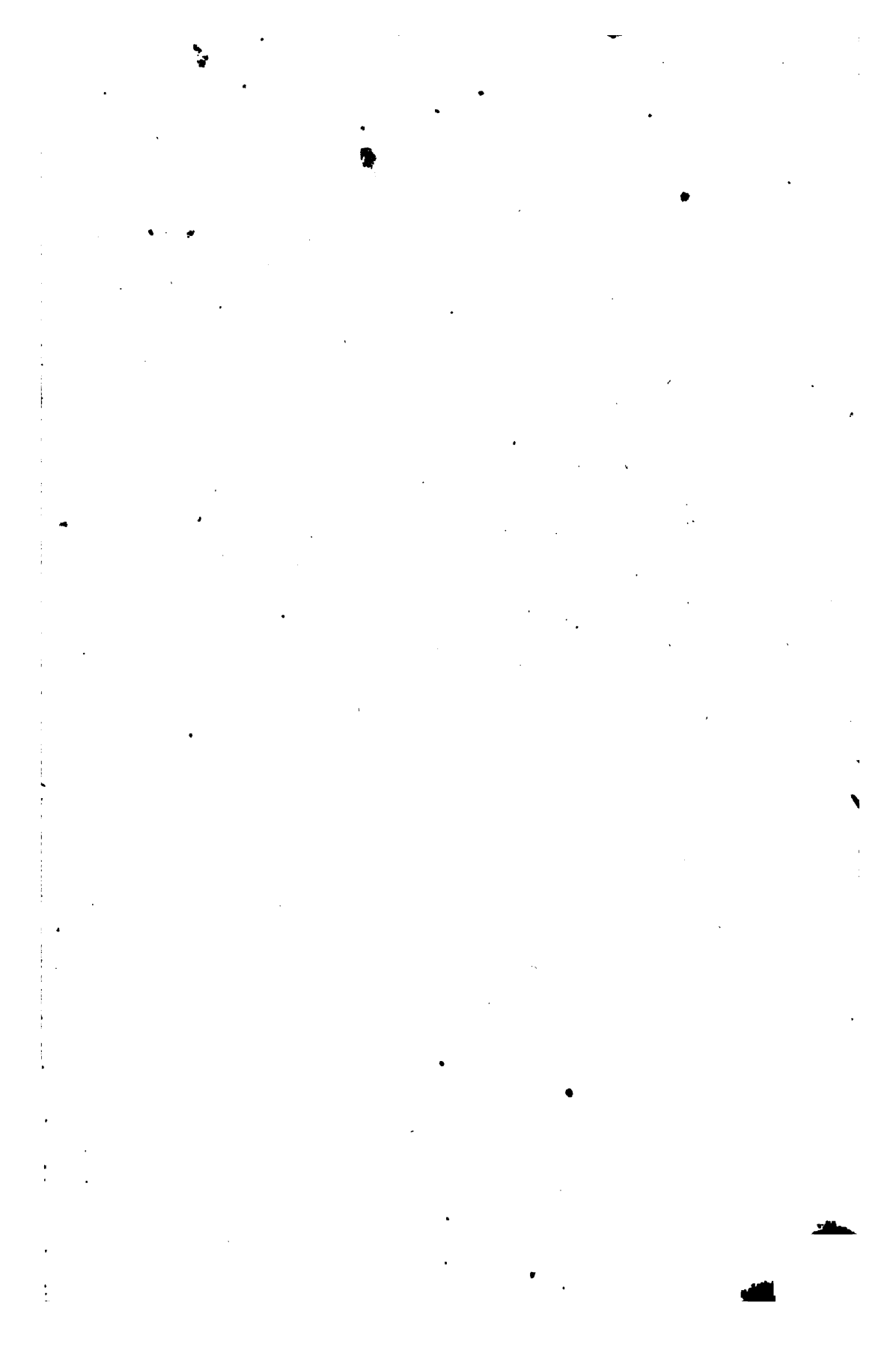
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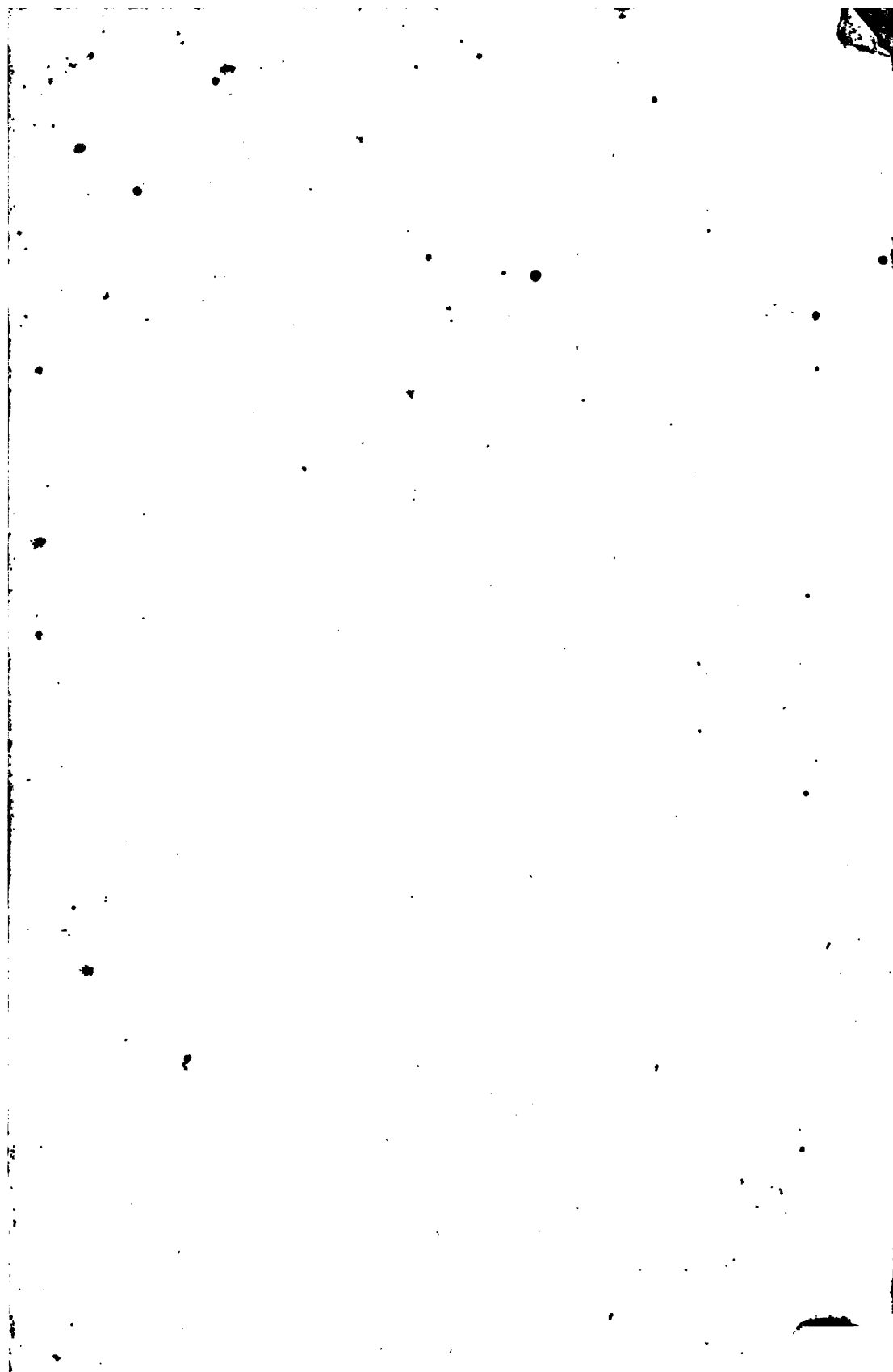
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